

CITY OF WALDPORT
Comprehensive Plan
ESTUARY PLAN

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ESTUARY PLAN

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CITY OF WALDPOR ESTUARY PLAN

Management Plan for the Alsea Bay Estuary

I. Introduction.

The City of Waldport, in recognizing the need to protect the unique environmental, economic, and social values of the Alsea Bay estuary and associated wetlands, herein strives to protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of the Alsea Bay estuaries.

This Estuary Plan provides for appropriate uses (including preservation) with as much diversity as is consistent with the overall Oregon Estuary Classification, as well as with the biological, economic, recreational, and aesthetic benefits of the estuary. The City of Waldport, through the implementation of the Estuary Plan, shall protect the estuarine ecosystem, including its natural biological productivity, habitat, diversity, unique features and water quality.



The general priorities (from highest to lowest) for management and use of estuarine resources as implemented through the management unit designation and permissible use requirements listed below shall be:

- (1) Uses which maintain the integrity of the estuarine ecosystem;
- (2) Water-dependent uses requiring estuarine location, as consistent with the overall Oregon Estuarine Classification;
- (3) Water-related uses which do not degrade or reduce the natural estuarine resources and values;
- (4) Nondependent, nonrelated uses which do not alter, reduce or degrade estuarine resources and values.

Through the adoption in 1982 of the Lincoln County Estuary Plan, Alsea Bay Area, the City recognized the following procedures:

- (1) Identification of each estuarine area;
- (2) Description and maintenance procedures to continue the diversity of important and unique environmental, economic and social features within the Alsea estuary;
- (3) Classified the estuary into management units;
- (4) Established policies and use priorities for each management unit using the standards and procedures set forth below; and

- (5) Consideration and description of the potential cumulative impacts of the alterations and development activities envisioned. The description may be general but is based on the best available information and projections.

Management Units Established

Diverse resources, values, and benefits shall be maintained by the classification of management units. When classification of the estuarine areas into management units was accomplished, the following criteria were considered in addition to the inventories:

- (1) Adjacent upland characteristics and existing land uses;
- (2) Compatibility with adjacent uses;
- (3) Energy costs and benefits; and
- (4) The extent to which the limited water surface area of the estuary shall be committed to different surface areas.

The following kinds of management units are established:



(1) Natural

Natural units are designated to assure the protection of significant fish and wildlife habitats, of continued biological productivity within the estuary, and of scientific, research, and educational needs. These shall be managed to preserve the natural resources in recognition of dynamic, natural, geological, and evolutionary processes. Such areas shall include, at a minimum, all major tracts of salt marsh, tidflats, and seagrass and algae beds.

Permissible uses in natural management units shall include the following:

- (a) undeveloped low-intensity, water-dependent recreation;
- (b) research and educational observation;
- (c) navigation aides, such as beacons and buoys;
- (d) protection of habitat, nutrient, fish, wildlife and aesthetic resources;
- (e) passive restoration measures;
- (f) dredging necessary for on-site maintenance of existing functional tidegates and associated drainage channels and bridge crossing support structures;

- (g) rip-rap for protection of uses existing as of October 7, 1977, unique natural resources, historical and archaeological values; and public facilities; and
- (h) bridge crossings.



Where consistent with the resource capabilities of the area and the purposes of this type of management unit, the following conditional uses may be allowed:

- (a) aquaculture which does not involve dredge or fill or other estuarine alteration other than incidental dredging or harvest of benthic species or removable in-water structures such as stakes or racks;
- (b) communication facilities;
- (c) active restoration of fish and wildlife habitat or water quality and estuarine enhancement;
- (d) boat ramps for public use where no dredging or fill for navigational access is needed;
- (e) pipelines, cables and utility crossings, including incidental dredging necessary for their installation;
- (f) installation of tidegates in existing functional dikes;
- (g) temporary alterations;
- (h) bridge crossing support structures and dredging necessary for their installation.

A use or activity is consistent with the resource capabilities of the area when either the impacts of the use on estuarine species, habitats, biological productivity and water quality are not significant or that the resources of the area are able to assimilate the use and activity and their effects and continue to function in a manner to protect significant wildlife habitats, natural biological productivity, and values for scientific research and education.



(2) Conservation

Conservation units are designated for long-term uses of renewable resources that do not require major alteration of the estuary, except for the purpose of restoration. These areas shall be managed to conserve the natural resources and benefits. These shall include areas needed for maintenance and enhancement of biological productivity, recreational and aesthetic uses, and aquaculture. They include tracts of significant habitat smaller or of less biological importance than those in (1) above, and recreational or commercial oyster and clam beds not included in (1) above. Areas that are

partially altered and adjacent to existing development of moderate intensity which do not possess the resource characteristics of natural or development units are also included in this classification.

Permissible uses in conservation management units shall be all uses listed in (1) above except temporary alterations.



Where consistent with the resource capabilities of the area and the purposes of this management unit the following conditional uses may be allowed:

- (a) high-intensity water dependent recreation, including boat ramps, marinas and new dredging for boat ramps and marinas;
- (b) minor navigational improvements;
- (c) mining and mineral resources, including dredging necessary for mineral extraction;
- (d) other water dependent uses requiring occupation of water surface area by means other than dredge or fill;
- (e) aquaculture requiring dredge or fill or other alteration of the estuary;
- (f) active restoration for purposes other than those listed in 1 (d);
- (g) temporary alterations.



A use or activity is consistent with the resource capabilities of the area when either the impacts of the use on estuarine species, habitats, biological productivity, and water quality are not significant or that the resources of the area are able to assimilate the use and activity and their effects and continue to function in a manner which conserves long-term renewable resources, natural biological productivity, recreational and aesthetic values and aquaculture.

REVIEW REQUIREMENTS



- (1) As addressed specifically in this Plan, actions which would potentially alter the estuarine ecosystem shall be preceded by a clear presentation of the impacts of the proposed alteration. Such activities include dredging, fill, in-water structures, riprap, application of pesticides and herbicides, water intake or withdrawal and effluent discharge, and other activities which could affect the estuary's physical processes or biological resources.

The impact assessment need not be lengthy or complex, but it should enable the City to gain a clear understanding of the impacts to be expected. It shall include information on:

- (a) The type and extent of alterations expected;
- (b) The type of resource(s) affected;
- (c) The expected extent of impacts of the proposed alteration on water quality and other physical characteristics of the estuary, living resources, recreation and aesthetic use, navigation and other existing and potential uses of the estuary; and
- (d) The methods which could be employed to avoid or minimize adverse impacts.

(2) Dredging or and/or filling shall be allowed only:

- (a) If required for navigation or other water-dependent uses that require an estuarine location or if specifically allowed by the applicable management unit requirements of this goal; and
- (b) if a need (i.e., a substantial public benefit) is demonstrated and the use or alteration does not unreasonably interfere with public trust rights; and
- (c) if no feasible alternative upland locations exist; and
- (d) if adverse impacts are minimized.

Other uses and activities which could alter the estuary shall only be allowed if the requirements in (b), (c), and (d) are met.

- (3) In the event that State and federal agencies review, revise, and implement their plans, actions, and management authorities to maintain water quality and minimize man-induced sedimentation in the Alsea Bay estuary, the City shall recognize these authorities in managing lands rather than developing new or duplicatory management techniques or controls.

Existing programs which shall be utilized include:

- (a) The Oregon Forest Practices Act and Administrative Rules, for the forest lands as defined in ORS 527.610--527.730 and 527.990 and the Forest Lands Goal;
- (b) The programs of the Soil and Water Conservation Commission and local districts and the Soil Conservation Service, for Agricultural Lands Goal;
- (c) The nonpoint source discharge water quality program administered by the Department of Environmental Quality under Section 208 of the Federal Water Quality Act as amended in 1972 (PL 92-500); and
- (d) The Fill and Removal Permit Program administered by the Division of State Lands under ORS 541.605 - 541.665.

(4) The City recognizes and supports that the State Water Policy Review Board, assisted by the staff of the Oregon Department of Fish and Wildlife, the Oregon Department of Environmental Quality, the Division of State Lands, and the U.S. Geological Survey, are considering establishment of minimum fresh-water flow rates and standards so that resources and uses of the estuary, including navigation, fish and wildlife characteristics, and recreation, will be maintained.

 (5) When dredge or fill activities are permitted in intertidal or tidal marsh areas, their effects shall be mitigated by creation, restoration or enhancement of another area to ensure that the integrity of the estuarine ecosystem is maintained. This Estuary Plan designates and protects specific sites for mitigation which generally correspond to the types and quantity of intertidal area proposed for dredging or filling, or has made findings demonstrating that it is not possible to do so.

 (6) Local, state and federal agencies shall develop comprehensive programs, including specific sites and procedures for disposal and stockpiling of dredged materials. These programs shall encourage the disposal of dredged material in uplands or ocean waters, and shall permit disposal in estuary waters only where such disposal will clearly be consistent with the objectives of this goal and state and federal law. Dredged material shall not be disposed in intertidal or tidal marsh estuarine areas unless part of an approved fill project.

 (7) The City of Waldport, local government and state and federal agencies shall act to restrict the proliferation of individual single-purpose docks and piers by encouraging community facilities common to several uses and interest. The size and shape of a dock or pier shall be limited to that required for the intended use. Alternatives to docks and piers, such as mooring buoys, dryland storage, and launching ramps shall be investigated and considered as allowed by this plan.

(8) State and federal agencies shall assist the City in identifying areas for restoration. Restoration is appropriate in areas where activities have adversely affected some aspect of the estuarine system, and where it would contribute to a greater achievement of the objective of this goal. Appropriate sites include areas of heavy erosion or sedimentation, degraded fish and wildlife habitat, anadromous fish spawning areas, abandoned diked estuarine marsh areas, and areas where water quality restricts the use of the estuarine waters for fish and shellfish harvest and production, or for human recreation.

(9) State agencies with planning, permit, or review authorities affected by this goal shall review their procedures and standards to assure that the objectives and requirements of this plan, local and other State agency plans are fully addressed. The City recognizes that in estuarine areas the following authorities are of special concern:

Division of State Lands	Fill and Removal Law	ORS 541.605- 541.665
	Mineral Resources	ORS 273.551; ORS 273.775- 273.780
	Submersible and Submerged Lands	ORS 274.005- 274.940
Economic Development Department	Ports Planning	ORS 777.835
Water Resources Department	Appropriation of Water	ORS 537.010- 537-990
		ORS 543.010- 543.620
Department of Geology and Mineral Industries	Mineral Extration Oil and Gas Drilling	ORS 520.005- 520.095
Department of Forestry	Forest Practices Act	ORS 527.610- 527.730
Department of Energy	Regulations of Thermal Power and Nuclear Installation	ORS 469.300- 469.570
Department of Environmental Quality	Water Quality	ORS 468.700- 468.775
	Sewage Treatment & Disposal Systems	ORS 454.010- 454.755

II. ESTUARINE USE STANDARDS

The following standards will be applied to all new uses and activities in the Alsea Bay estuary. All estuarine uses that involve dredging, fill, structures, shoreline stabilization (except vegetative) or other alteration waterward of (MHHW) * or the line of non-aquatic vegetation are currently regulated either at the state level (State Removal/Fill Law, ORS 541.695), federal level (Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act) or both. Certain other uses such as energy facility siting, aquaculture, and exploration for oil, gas, or geothermal energy are further regulated by additional state or federal permits. To minimize duplication of local, state, and federal permits, the estuarine use standards will be applied through local review of the appropriate state and/or federal permits. In addition to the standards set forth herein, all uses and activities must further comply with applicable state and federal regulations governing water quality, resource protection, and public health and safety.

In reviewing proposals for uses in the estuary, the following criteria shall be addressed prior to any approvals or permits being issued by the City of Waldport:

Aquaculture:

1. All structures located in conjunction with aquaculture operations shall be subject to the standards set forth in this plan for structures.
2. Water diversion structures or manmade spawning channels shall be constructed so as to maintain minimum required stream flows for aquatic life in the adjacent streams.
3. The potential impacts of introducing a new fish or shellfish species (or race within a species) shall be carefully evaluated in light of existing aquatic life and potential fish and shellfish production in the stream, estuary and ocean.
4. Aquaculture facilities shall be located far enough from any sanitary sewer outfalls to prevent any potential health hazard.

Dikes:

1. Existing functional dikes and tide gates may be maintained and repaired as necessary to fulfill their purpose as flood control structures.
2. New dikes in estuarine areas shall be allowed only:
 - a. As part of an approved fill project; subject to the standards for fill; and
 - b. If appropriate mitigation is undertaken in accordance with all relevant state and federal standards.

* Mean Higher High Water: The average of the higher waters over a 19-year period.

3. Dikes constructed to retain fill materials shall be considered fill and are subject to standards for fill.
4. The outside face of new dikes shall be protected by approved shoreline stabilization procedures.

Dredging:

1. All dredging in the estuary shall be conditioned upon demonstration that it will be conducted in such a manner so as to minimize:
 - a. Adverse short term effects such as pollutant release, dissolved oxygen depletion and disturbance of important biological communities.
 - b. Adverse long term effects such as loss of fish habitat and tidelands, loss of flushing capacity, destabilization of bottom sediments, and biologically harmful changes in circulation patterns.
 - c. Removal of material in wetland and productive shallow submerged lands.
2. Dredging shall be permitted only:
 - a. For navigation or navigational access; or
 - b. In conjunction with a permitted or conditionally permitted water dependent use; or
 - c. As part of an approved restoration project; or
 - d. For mining or mineral extraction as provided for in the Mining and Mineral Extraction Standards; or
 - e. For an approved public use, such as bridge crossings, submerged utility crossings, etc.
3. The City of Waldport shall rely on the Division of State Lands to administer the provisions of ORS Ch. 541 requiring the mitigation of adverse impacts in dredging in intertidal and tidal marsh areas.

Dredged Material Disposal:

1. Disposal of dredged materials should occur on the smallest possible land area in order to minimize the quantity of land that is disturbed. Clearing of land should occur in stages on an as needed basis.

2. Dikes surrounding disposal sites shall be well constructed and large enough to encourage proper "ponding" and to prevent the return of suspended sediments into the estuary.
3. The timing of disposal activities shall be coordinated with the Department of Environmental Quality and the Department of Fish and Wildlife to ensure adequate protection of biologically important elements such as fish runs, spawning activity, etc. In general, disposal should occur during periods of adequate river flow to aid flushing of suspended sediments.
4. Disposal sites which will receive materials with toxic characteristics shall be designated to include secondary cells in order to achieve good quality effluent. Discharge from the sites should be monitored to ensure adequate cell structures have been constructed and are functioning properly.
5. Revegetation of disposal sites shall occur as soon as is practicable in order to stabilize the site and retard wind erosion.
6. Outfalls from dredged material disposal sites shall be located and designed so as to minimize adverse impacts on aquatic life and habitats and water quality.
7. General priorities for dredged material disposal sites shall be (in order of preference):
 - a. Upland or approved fill project sites
 - b. Approved offshore disposal sites
 - c. Aquatic areas

The Lincoln County Dredge Material Disposal Plan shall be consulted for information concerning specific disposal sites and further policy recommendations.

 Excavation:

1. Creation of new estuarine surface area shall be allowed only for navigation, other water dependent use, or restoration.
2. All excavation projects shall be designed and located so as to minimize adverse impacts on aquatic life and habitats, flushing and circulation characteristics, erosion and accretion patterns, navigation and recreation.
3. Excavation of as much as is practical of the new water body shall be completed before it is connected to the estuary.
4. In the design of excavation projects, provision of public access to the estuary shall be encouraged to the extent compatible with the proposed use.

 Fill:

1. Fill shall be permitted only in conjunction with a water dependent use which requires an estuarine location and for which no feasible alternatives (e.g., construction on piling) or uplands locations exist.
2. All fill projects shall be designed and placed so as to minimize adverse impacts on aquatic life and habitats, flushing and circulation characteristics, erosion and accretion patterns, navigation and recreation.
3. Fill materials which could create water quality problems or which will rapidly deteriorate are not permitted.
4. When available from an authorized dredging project, dredged materials shall be preferred over upland materials for approved fill projects.
5. As an integral part of the fill process, new fills placed in the estuary shall be protected by approved methods of bank stabilization to prevent erosion.
6. Local governments shall rely on the Division of State Lands to administer the provisions of ORS Ch. 541 requiring the mitigation of adverse impacts of filling in intertidal or tidal marsh areas.
7. In the design of fill projects, provision of public access to the estuary shall be encouraged to the extent compatible with the proposed use.
8. An application for fill shall be accompanied by the impact report as submitted to the Division of State Lands, Corps of Engineers, or other regulatory agencies involved.

 Marina and Port Facilities:

1. All structures, fills, dredging or shoreline stabilization measures undertaken in conjunction with marina or port facility development must comply with applicable standards set forth in this plan.
2. Provision must be made in the design of marina and port facilities to ensure adequate flushing for the maintenance of water quality.
3. Open moorage shall be preferred over covered or enclosed moorage except for repair or construction facilities.
4. Multi-purpose and cooperative use of moorage, parking, cargo handling and storage facilities shall be encouraged.

5. In the development of new port marina facilities, maximum feasible public access shall be encouraged, consistent with security and safety requirements.



Mineral and Aggregate Extraction:

1. All mineral and aggregate removal projects shall be conducted in such a manner so as to minimize:
 - a. Adverse short term effects such as pollutant release, dissolved oxygen depletion, excessive turbidity, and disturbance of important biological communities.
 - b. Adverse long term effects such as loss habitat and tidelands, loss of flushing capacity, destabilization of bottom sediments and biologically harmful changes in circulation patterns.
2. Removal of aggregate materials from the estuary shall be allowed only after a clear demonstration that comparable materials are not available from local upland sources.
3. Unless part of an approved fill project, spoils and stockpiles shall be placed beyond the reach of high water and in such a manner that sediment will not enter or return to the waterway.
4. Riparian vegetation shall be retained to the optimum degree possible. Disturbed shoreline areas shall be revegetated.



Outfalls:

1. As applicable, the standards for dredging, shoreline stabilization and placement of structures as set forth in this plan must be complied with in the installation of outfalls.
2. Outfalls shall not be allowed in poorly flushed areas of the estuary.



Restoration:

1. Restoration in areas designated for development shall be undertaken only if it is likely that the project will not conflict with or be destroyed by existing or subsequent development.
2. All restoration projects shall be designed so as to minimize adverse impacts on aquatic life and habitats, flushing and circulation characteristics, erosion and accretion patterns, navigation and recreation.



Shoreline Stabilization:

1. Shoreline stabilization procedures shall be confined to those areas where:
 - a. Active erosion is occurring which threatens existing uses or structures; or
 - b. New development or redevelopment of water dependent or water related uses requires protection for maintaining the integrity of upland structures or facilities.
2. The following, in order, are the preferred methods of shoreline stabilization:
 - a. Vegetative or other non structural.
 - b. Vegetated rip rap.
 - c. Unvegetated rip rap.
 - d. Bulkheads

Structural shoreline stabilization methods shall be permitted only where a higher priority method is not feasible. All applications for shoreline stabilization shall be accompanied by a review of other measures and the factual base which demonstrates why a less intensive solution is not feasible.

3. Materials to be used must be clean and of a non-erodable quality that will allow long term stability and minimize maintenance. Materials which could create water quality problems or which will rapidly deteriorate are not permitted.
4. Minor modification of the bankline profile may be permitted on a case-by-case basis. These alterations shall not be for the purpose of gaining additional upland area.
5. Shoreline stabilization structures shall be designed and located so as to minimize adverse impacts on aquatic life and habitat, circulation and flushing characteristics, and patterns of erosion and accretion. This shall be demonstrated by an impact analysis prepared by professionals of the pertinent fields.
6. The use of bulkheads shall be limited to "conservation" management units.



Structures:

All constructed, manmade facilities, fixed or floating, which extend into the estuary are considered structures.

Structures do not include log rafts or new land created from submerged or submersible lands (see fill.)

Structural types include: Docks, Piers, Wharfs, Piling, Dolphins, Jetties, Groins, Pile Dikes and Breakwaters.

1. The siting and design of all structures shall be chosen to minimize adverse impacts on aquatic life and habitats, flushing and circulation characteristics and patterns of erosion and accretion.
2. Materials to be used for structures shall be clean and durable so as to allow long-term stability and minimize maintenance. Materials which could create water quality problems or which will rapidly deteriorate are not permitted.
3. The development of structures shall be evaluated to determine potential conflicts with established water uses (e.g., navigation, recreation, aquaculture, etc.). Such conflicts shall be minimized to the extent feasible.
4. Occupation of estuarine surface area by structures shall be limited to the minimum area practical to accomplish the proposed use.
5. Where feasible, breakwaters of the floating type shall be preferred over those of solid construction.
6. Floating structures shall not be permitted in areas where they would regularly contact the bottom at low water (i.e., shall be located waterward of Mean Lower Low Water). Exceptions may be granted for structures of limited area which are necessary as part of an overall approved project where grounding would not have significant adverse impacts.
7. Individual single purpose docks and piers for recreational and residential uses shall be permitted only when it has been demonstrated that there are no practical alternatives (e.g., mooring buoys, dry land storage, etc.). Community facilities or other structures common to several uses are encouraged at appropriate locations.
8. Piers, docks and similar facilities for individual recreational or residential uses shall meet each of the following requirements:
 - a. No dock, pier or similar facility shall extend into any watercourse more than 25' beyond MLLW unless it can be demonstrated that additional extension is essential to accomplish the intended purpose of the structure.
 - b. No dock, pier or similar facility shall extend into any watercourse more than 5% of the width thereof (as measured perpendicular from MLLW on one side of the watercourse to MLLW on the opposite side) unless it can be shown that additional

extension is essential to accomplish the intended purpose of the structure.

9. Docks and similar facilities shall have the long dimension running parallel to the channel unless future development will result in pier construction or moorages being connected, necessitating facility design perpendicular to the channel.

Submerged Crossings:

1. Trenching or other bottom disturbance undertaken in conjunction with installation of a submerged crossing shall conform to the standards for dredging as set forth in this plan.
2. Submerged crossing shall be designed and located so as to eliminate interference with present or future navigational activities.
3. Submerged crossings shall be designed and located so as to ensure sufficient burial or water depth to avoid damage to the crossing.

Temporary Alterations

The provision for temporary alterations is intended to allow minor alterations to areas and resources that this plan otherwise requires to preserve or conserve. This allowance is limited to alterations in support of existing or proposed uses authorized by this plan, and does not allow temporary uses which are not otherwise permitted.

Applications for consideration of a Temporary Use in the estuary shall demonstrate:

1. That the short-term impacts to resource values is consistent with the capabilities of the area to absorb the impacts; and
2. That the area and affected resources can and will be restored to their original condition.

Water Handling of Logs:

1. Water handling of logs shall not be conducted in management units within the jurisdiction of the City of Waldport.

III. MANAGEMENT UNIT PERMITTED USE MATRICES

PERMITTED USE DEFINITIONS

In addition to the management unit classification, each management unit is more explicitly defined in terms of permitted uses and activities by means of a permitted use matrix. The matrix for each unit lists uses and activities and categorizes them as follows:

Permitted with Standards (P):

Permitted as consistent with the management objective of the classification. Permitted uses must conform to the Estuarine Use Standards set forth in the plan and also to any policies specific to the individual management unit.

Conditional (C)

Permitted only after a case review of the proposed use and issuance of a local conditional use permit (in addition to relevant state and federal permits). A conditional use shall be permitted provided that:

- a. it is compatible with the management objective and policies of the management classification
- b. it complies with the applicable Estuarine Use Standards set forth in this plan
- c. it complies with the objective and policies of the individual management unit
- d. it is consistent with the resource capabilities of the area
- e. the cumulative impacts of the proposed use have been considered.

Not Allowed (N):

Not permitted. Activity or use can only be allowed upon adoption of a plan amendment by the governing body.

The following management units of the Alsea Estuary are adjacent to the City of Waldport Planning Area. The City recognizes that the Lincoln County Estuary Plan impacts these areas as a common jurisdiction. The City, in accordance with the Comprehensive Plan, shall notify Lincoln County regarding potential impacts on the estuary from alterations.

MANAGEMENT UNIT 1 - ALSEA

Description

Management unit 1 consists of the subtidal area between the mouth of the river and the PUD power line crossing at Waldport. This unit is predominantly marine in character, with high current velocities and high salinities. Substrates are mostly large grained sands, and no major seagrass or algal beds are present. Alterations are limited to the Highway 101 bridge footings and the power line support poles. This unit is heavily used for sport angling, crabbing and recreational boating.

Classification: Conservation

This unit is classified conservation in order to manage for long time uses of renewable resources.

Resource Capability

Unit 1 is a portion of the marine subsystem of Alsea Bay. Ocean waters and strong tidal currents dominate, and habitats are influenced primarily by the proximity to the ocean. Sand substrates in this area provide important feeding and rearing areas for fish and invertebrates, though this unit does not include the critical rock shore and intertidal habitats of the marine subsystem. The nature of this high energy environment is such that minor structural alterations such as piling or minor bridge maintenance will not have substantial impacts on the biota of the area. More extensive alterations such as mining or construction of new bridge crossings should be reviewed for consistency with the resource capability of the area.

Management Objective

Management unit 1 shall be managed to conserve natural resources and provide for uses requiring only minor alterations.

Special Policies

1. Bridge crossing construction will be permitted only for maintenance or replacement of the existing Highway 101 crossing.

 **MANAGEMENT UNIT 2 - ALSEA****Description**

Management unit 2 includes the narrow intertidal area along the north shore of the estuary from the mouth east to the PUD power line crossing. This unit contains tracts of intertidal flats and also an intertidal rock shore which supports major growths of seagrass and algae. Use in this area is limited to recreational boating, angling, and crabbing during high tide. The only alterations present are the small channel which has been excavated into the Bayshore development, a small area of stabilized shoreline on the inside of the Bayshore spit and a boat ramp which at present is not servicable.

Classification: Natural

This area contains major tracts of intertidal flats and seagrass and algae beds.

Resource Capability

Unit 2 is a high sensitive area of intertidal habitats, including a relatively scarce rock shore habitat northeast of the U.S. Highway 101 bridge. Because of the importance of this area, alterations which would degrade intertidal habitats through fill, sedimentation, scouring or excessive reduction of light should not be permitted. Proposed alterations should be reviewed for consistency with the resource capability of this area. According to ODFW management recommendations for the Alsea estuary, work necessary to repair and maintain the county boat ramp on the Alsea spit would be consistent with the resource capabilities of the area, and should be permitted in accordance with other relevant standards.

Management Objective

Management unit 2 shall be managed to preserve the intertidal flats, seagrass and algal beds which are present within the unit.

Special Policies

1. Alterations undertaken in conjunction with boat launching facilities shall be limited to those necessary to refurbish and maintain the existing county boat ramp.
2. Bridge crossing construction will be permitted only for maintenance or replacement of the existing Highway 101 crossing.



MANAGEMENT UNIT 3 - ALSEA

Description

Management unit 3 consists of the intertidal flat along the south shore of the estuary from the mouth up to and including the Port of Alsea Docks. This is a major tract of tideflat with a predominantly sand substrate. A small algal bed occurs within this unit on the bedrock shore area near the mouth of the estuary. This south shore area is an important fish spawning and nursery area. Only minor recreation use is present on the sand flats near the Highway 101 bridge, but the south shore of this unit near the mouth is heavily used by bank and boat anglers and also be recreational crabbers. Bridge footings and a seawall along the lower portion of this unit are the only alterations present.

Classification: Natural

This area contains major tracts of intertidal flats and is classified natural in order to preserve important resource values.

Resource Capability

Unit 3 includes a large intertidal flat and an important area of fish habitat along the south shore of the estuary. Management recommendations by ODFW indicate that this south shore area should remain free of alterations which would degrade intertidal habitats through fill, sedimentation, scouring or excessive reduction of light. Alterations with potential for these or similar impacts should be reviewed to assure consistency with the resource capability of this area.

Management Objective

Management unit 3 shall be managed to preserve and protect natural resources and values.

Special Policies

1. Overhead crossings shall be placed on Highway 101 bridge whenever practical.
2. Bridge crossing construction shall be permitted only for maintenance or replacement of the existing Highway 101 crossings.



MANAGEMENT UNIT 4 - ALSEA

Description

Management unit 4 is Lint Slough, between the impounding structure and the Highway 34 crossing. This is an area of intertidal mud flats and low salt marsh. These important wetlands are minimally altered and receive only minor recreational use.

Classification: Natural

This area is a major wetland tract and is classified natural to manage for the preservation of important resources.

Resource Capability

According to recommendations by both ODPW (Management Recommendations for the Alsea Estuary, 1979) and the Corps of Engineers (Alsea Wetlands Review, 1976), Lint Slough is considered to be an important and productive wetland area and should be protected accordingly through the prohibition of major alterations such as dredge, fill or large structural alterations. Minor structural alterations may be permitted, but should be reviewed individually to assure that they do not impede tidal circulation or permanently disrupt intertidal or tidal marsh habitats.

Management Objective

Management unit 4 shall be managed to preserve and protect natural values.

Special Policies

1. Bridge crossing construction will be permitted only for maintenance or replacement of the existing crossing.



MANAGEMENT UNIT 5 - ALSEA

Description

Management unit 5 includes all of the intertidal flats north of the main river channel and east of the PUD power line crossing. It also includes the north channel and the tidal marsh areas north of the main channel up to river mile 5.7. This unit is a natural resource area of major importance. This unit displays great diversity of habitats, with extensive tracts of intertidal flats, important eelgrass and algal beds and major tracts of high salt marsh. Uses in the area are limited primarily to some minor recreational activity, with some grazing use of high salt marsh areas.

Classification: Natural

This unit contains major tracts of both intertidal flats and tidal marsh and is classified natural to manage for the preservation of natural resource values.

Resource Capability

This large area contains a great diversity of habitats and resource values, including the estuary's largest tracts of tidal marsh and intertidal flats. This unit is the transition zone between salt and fresh waters; the extensive flats are where most of the fine-grained river borne sediments are deposited. Because of the variety of important values in this area, alterations should be individually reviewed to assure that they are consistent with the resource capability of the area. According to ODFW recommendations, the dike across the north channel hinders passage of anadromous fish and retards flushing, resulting in low dissolved oxygen levels in the area. The breaching or removal of this dike is recommended by ODFW as a restoration action consistent with the resource capabilities of this area.

Management Objective

Management unit 5 shall be managed to preserve and protect natural resources and values.

 **MANAGEMENT UNIT 6 - ALSEA****Description**

Management unit 6 includes all of the sub-tidal area south of management unit 5 between the port docks at Waldport and river mile 5.7. This area receives heavy recreational use. Shoreline alteration and development for these uses along the south shore includes the port facilities at Waldport, the small boat basin at the mouth of Lint Slough, several commercial marinas above Eckman Lake and numerous private docks and piers.

Classification: Conservation

This is a partially altered area and is designated conservation in order to provide for water dependent uses consistent levels of development.

Resource Capability

Unit 6 includes a portion of the bay subsystem along the southern shore of the estuary where habitats, according to ODFW, "have been drastically modified." ODFW recommendations indicate that development where pilings, docks and other alterations exist would be encouraged as consistent with the resource capabilities of this area. Those portions of the south shore included in unit 6 are previously altered areas. Uses similar to existing uses in the area, including water dependent commercial activities not requiring fill, should be permitted in accordance with ODFW recommendations.

Management Objective

Management unit 6 shall be managed to provide for water dependent recreational opportunities and development, consistent with the conservation of natural resources.

Special Policies

1. Bridge crossing construction levels shall be limited to maintenance or replacement of the existing crossing at Lint Slough.



MANAGEMENT UNIT 7 - ALSEA

Description

Management unit 7 consists of McKinney Slough and the intertidal algal beds immediately west of the slough mouth. This is an important wetland area of intertidal mud flats, high and low salt marsh and a small algal bed. Uses in this area are limited to some minor recreational activity. This unit is essentially unaltered, with the exception of the bridge crossing structure near the head of McKinney Slough.

Classification: Natural

This area is a major tract of wetlands and is designated natural to provide for natural resource protection.

Resource Capability

McKinney Slough is labeled as "wetlands of importance" by the Alsea Wetlands Review (USACE). Likewise, ODFW recommends that the area should be retained in its present state. In order to limit alterations to those which do not result in permanent disturbance or destruction of wetland values, proposals should be evaluated individually to assure that activities are consistent with the resource capabilities of the area. Bridge maintenance or construction activities have occurred in this area in conjunction with the Highway 34 crossing. If future maintenance or construction requires the replacement of piling or dolphins, such activity will be permitted as consistent with the area's resource capability, providing it does not substantially impede tidal circulation (as required by Estuarine Use Standards).

Management Objective

Management unit 7 shall be managed to preserve and protect natural resources and values.

Special Policies

1. Bridge crossing construction will be permitted only for maintenance or replacement of the existing crossing.



MANAGEMENT UNIT 8 - ALSEA

Description

Management unit 8 includes all the intertidal flat and tidal marsh area at the mouth of Eckman Lake. This is a wetland area of major importance. Uses in the area are limited to some minor recreational activity. Some filling of marsh areas has occurred at the eastern end of this unit, but these are relatively minor alterations.

Classification: Natural

This unit is a major tract of tidal marsh and is designated natural to provide for natural resource protection.

Resource Capability

Management unit 8 includes the remaining unaltered tracts of intertidal flats and tidal marsh along the south shore of the bay subsystem. This important resource area is identified by the USACE as "wetlands of importance" where applications for major alterations such as dredge, fill or pier construction would normally be denied. Because of this area's important resource characteristics, alterations should be limited to low intensity activities which do not degrade the wetland values of the area. Such proposals should be evaluated individually to determine consistency with the resource capability of the area.

Eckman Lake has been identified as a potential estuarine restoration site. Because of the size and complexity of a restoration project involving Eckman Lake and the potential for adverse impacts on other estuarine habitats, restoration activities should be reviewed for consistency with this area's resource capability.

Management Objective

Management unit 8 shall be managed to preserve and protect natural resources and values.

Special Policies

1. Bridge crossing construction shall be permitted only for maintenance or replacement of the existing crossing at Eckman Lake.

PERMITTED USE MATRIX

Management Unit No. ALSEA 8
 Classification NATURAL

- P = Permitted w/standards
- C = Conditional
- N = Not Allowed
- X = Not Applicable

	Special Policy	Dolphins	Billings	Docks	Piers	Marves	Groins	Pile Dikes	Breakwaters	Navigation Aids (beacons, buoys, etc.)	Maintenance Dredging	New Dredging	Fill	Dikes (new)	Shoreline Stabilization (structural)									
Commercial																								
N	Water dependent																							
N	Water related																							
N	Non-water related																							
N	Marina																							
N	Boat launching																							
Industrial																								
N	Log dumping																							
N	Log storage																							
N	Mining																							
N	Oil or Gas Extraction																							
N	Industrial outfalls																							
N	Marine ways																							
N	Water dependent industrial																							
N	Water related industrial																							
N	Non-water related industrial																							
Public																								
N	Overhead crossings																							
N	Submerged crossings																							
P	Bridge crossings									P	N	N	N	N	N	N	N	N	P	P	I			
N	Storm water outfall																							
N	Sanitary outfall																							
Port Facilities																								
N	Deep draft (over 23')																							
N	Medium draft (10'-22')																							
N	Shallow draft (0-9')																							
N	Navigation improvement																							
C	Aquaculture Facilities									N	N	N	N	N	P	N	N	N	N	N	N	C	C	
Restoration																								
C	Active									C	N	N	N	C	P	N	N	N	N	N	N	N	C	C
P	Passive									N	N	N	N	N	N	N	N	N	N	N	N	N	N	N

IV. PLAN IMPLEMENTATION

The Waldport Estuary Management Plan will be implemented at the local level by the City through its Comprehensive Plan and Development Code, and through these plans it will be incorporated into the State of Oregon Coastal Zone Management Program.

For certain requirements of Statewide Planning Goal 16, no explicit implementing measures or standards are included in the management plan. The City shall rely on certain state and federal regulatory authorities and programs to meet these requirements. (These programs and the goal requirements they fulfill are described in the following section on State and Federal Agency Coordination.) However, it should be noted that the administration of this plan and all implementing measures contained herein (e.g., application of use standards, conditional use criteria, etc.) is the responsibility of the City of Waldport. Specifically, Management Units 2, 3, 4, 7 and a portion of Management Unit 6, will be administered by the Planning Commission of the City of Waldport.

REVIEW PROCEDURE

Permitted Uses

For uses and/or activities which are "Permitted with Standards" (i.e., those activities or uses which are designated "P" in the appropriate permitted use matrix) no local permit is required. These uses and activities will be reviewed by the City for consistency with applicable Estuarine Use Standards through the Division of State Lands public notice process. The procedure will be as follows:

1. Upon receipt of the Public Notice, the Planning Commission shall review the proposed use or activity for consistency with applicable Estuarine Use Standards.
2. If the Planning Commission finds that the proposed use or activity is consistent with all applicable Estuarine Use Standards, the Commission shall notify the Division of State Lands to that effect prior to the expiration of the Public Notice. As a part of this review process the Planning Commission may impose any conditions or restrictions necessary to ensure compliance with applicable Estuarine Use Standards.
3. If the Planning Commission finds that the proposed use or activity is inconsistent with any applicable Estuarine Use Standard, the department shall notify both the Division of State Lands and the applicant prior to the expiration date of the Public Notice. This notification shall cite the standard(s) which has not been met and state with particularity the reasons for the inconsistency.

4. If the information contained in the Public Notice is not sufficient for the Planning Commission to reach a decision on the consistency of the proposed use or activity, the City shall notify the applicant to that effect prior to the expiration date on the Public Notice. This notification shall cite the standard(s) needing to be addressed and state with particularity the information needed to arrive at a decision.
5. Any finding of consistency made through this review process may be subject to revocation by the Planning Commission if it is ascertained that the application included any false information or if it develops that any conditions of approval have not been complied with or are not being maintained.
6. Any decision made by the Planning Commission through this review process may be appealed in accordance with the provisions of Article 12 of the Development Code, as amended.

Conditional Uses

Uses and/or activities which are "conditional" (i.e., those uses or activities which are designated "C" in the appropriate permitted use matrix) may be permitted upon authorization by the Planning Commission in accordance with the standards and procedures set forth in Article 6, Waldport Development Code.

In addition to conformance with the procedures and standards of Article 6, conditional use authorization shall require the following findings:

1. That the use or activity is compatible with the management objective and policies of the management classification.
2. That the use or activity complies with all applicable Estuarine Use Standards as set forth in the Waldport Estuary Management Plan and the Lincoln County Estuary Management Plan.
3. That the use or activity complies with the management objective and special policies of the individual management unit.
4. That the use or activity is consistent with the resource capabilities of the area.
5. That the cumulative impacts of the proposed use or activity have been considered.

Application of Standards

The Estuarine Use Standards and the conditional use requirements set forth in the Estuary Management Plan are to be applied to estuarine developments on a case by case basis by the City of Waldport, through the review process described above.

The specific nature and circumstances of a proposal will be measured against each applicable standard or criterion. Findings of fact will be developed relative to compliance with each applicable standard or criterion, based on an analysis of the proposal. The Planning Commission may require an applicant to provide such information and technical analysis as may be needed to determine compliance with any and all applicable standards, including but not limited to the following:

1. Effects on physical characteristics such as: flushing and circulation; erosion and accretion patterns; salinity, temperature and dissolved oxygen characteristics.
2. Effects of biological characteristics such as: benthic habitats and communities; anadromous fish migration routes; fish and shellfish spawning and rearing areas, primary productivity; resting; feeding and nesting areas for migratory and resident shorebirds; wading birds and other wildfowl; riparian vegetation; wildlife habitat.
3. Effects on other established uses in the area.
4. Alternative project design and/or locations which have been considered.
5. Steps which have been taken to minimize or avoid adverse impacts.

In the process of gathering necessary factual information for the application of standards, the Planning Commission may consult with any agency or individual able to provide relevant technical expertise.

STATE AND FEDERAL AGENCY COORDINATION

As described above, the Waldport Estuarine Management Plan is designed to provide for the review of proposed uses and the application of performance standards in conjunction with the Division of State Lands waterway project permit review procedure (which in turn is integrated into the Corps of Engineers Section 10 and Section 404 review procedures).

Through this process, all state and federal resource agencies which participate in the review of waterway permits will be apprised of actions taken and findings made under the provisions of the management plan.

Similarly, the City will be able to take advantage of the resource agencies' participation in this process for acquiring technical information and assessments relative to the review of waterway projects.

Reliance on State and Federal Standards. In order to streamline the permit process and avoid unnecessary duplication in the review of estuarine development proposals, the management plan will rely on the requirements of certain state and federal agency programs and

requirements to provide specific implementing measures for certain Goal 16 requirements. The goal requirements and the programs being relied on to fulfill them are as follows:

(Note: The major programs and agency responsibilities affecting estuarine development are listed, and described following this section.)

<u>Goal Requirement</u>	<u>Agency Program(s) Relied On</u>
A. Providing findings that dredge, fill or other degradation is only allowed upon demonstration of public need.	Corps of Engineers, Section 10 (33 CRS 320.4) Division of State Lands, Fill & Removal Law (ORS 541.625(2)a-e).
B. Provide findings that, where permitted, structural bank stabilization or dredging activities in conjunction with aquaculture, communication facilities, and/or active restoration measures are consistent with the resource capabilities of a "Natural" management unit.*	Corps of Engineers, Section 10 (22 CFR 322.5)
C. Provide findings that, where permitted, fill, structural bank stabilization or dredging activities in conjunction with high intensity water dependent recreation, minor navigational improvements, mining and mineral extraction, bridge crossings, and water dependent uses requiring occupation of surface area by means other than fill are consistent with the resource capabilities of a "Conservation" management unit.*	Corps of Engineers, Section 10 (22 CFR 322.5)
D. Provide findings that, where allowed, fill bank stabilization or dredging activities in conjunction with mining and mineral extraction, active and passive restoration, communication facilities, bridge crossings, research and education observations or protection of habitat and other natural values are consistent with resource capabilities of a "Development" management unit.	Corps of Engineers, Section 10 (22 CFR 322.5)

- E. Clearly present the impacts of a proposed alteration to the estuary with a demonstration of the public's need and gain which warrant the modification or loss.
Corps of Engineers, Section 10 (33 CFR 320.4)
- F. Provide findings that the proliferation of single purpose docks and piers is being restricted by encouraging community facilities and considering other alternatives.
Corps of Engineers, Section 10 (33 CFR 320.4)
- G. Require mitigation for dredge or fill in tidal marsh or intertidal areas.
Division of State Lands, Fill & Removal Law (ORS 541.626)
- H. Maintain water quality and minimize man-induced sedimentation
Department of Forestry, Oregon Forest Practices Act and Administrative Rules (ORS 527.610-527.730)
- Various programs of the Soil and Water Conservation Commission, the local Soil & Water Conservation District and the Soil Conservation Service.
- Department of Environmental Quality, Section 208 of the Clean Water Act as amended in 1972 (PL 92-500)
- Division of State Lands, Fill and Removal Law (ORS 541.605-541.665)

Federal and State Agency Programs and Responsibilities

The following lists the major state and federal agency programs which relate to estuarine development activities. The specific program provisions which will be relied on to meet Goal 16 requirements are cited and the relevant standards from each are briefly described. Also included in the listing are those agency programs which, while not specifically relied upon to meet goal requirements, may generate technical information useful to local government in evaluating estuarine development proposals.

1. CORPS (40 CFR 230.4-1) Disposal of Dredged or Fill Material
 - a. Testing water column effects;
 - b. Testing effects on benthos;
 - c. Evaluation exemption;
 - 1) If naturally occurring sediment larger than silt;
 - 2) Beach nourishment;
 - 3) Discharge is substantially same as disposal site substrate.
2. CORPS (40 CFR 230.4-2) Disposal of Dredged or Fill Material
 - a. Corps prohibits discharge when it would cause a violation of such appropriate standards at the perimeter of the disposal site after consideration of the mixing zone.
3. CORPS (40 CFR 230.5) Disposal of Dredged or Fill Material
 - a. The permitting authority should use the following, in sequence, for evaluating whether a particular discharge should be allowed:
 - 1) Minimize adverse impacts through evaluation in 230.10 and 230.11 below;
 - 2) Use general permit if applicable and all conditions are met;
 - 3) Examine practicable alternatives;
 - 4) Delineate candidate disposal sites consistent with the criteria and evaluation in 230.11 below;
 - 5) Evaluate the various physical and chemical components;

- 6) Identify and evaluate any special or critical characteristics of a candidate disposal site and surrounding areas which might be affected by use of such site, related to their living communities or human uses;
- 7) Evaluate chemical contamination or physical incompatibility of discharged material;
- 8) Conduct appropriate chemical tests if appropriate;
- 9) Identify appropriate and practicable changes to the project plan to minimize environmental impact of discharge.

4. CORPS (40 CFR 230.10) Disposal of Dredged or Fill Material

a. Restrictions of Discharge

- 1) No discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences.
- 2) No discharge of dredged or fill material shall be permitted if it:
 - a) Causes or contributes to violations of any applicable state water quality standard;
 - b) Violates any applicable toxic effluent standards;
 - c) Conflicts with Endangered Species Act;
 - d) Violates requirements in the Marine Protection Research and Sanctuaries.
- 3) No discharge of dredged or fill material will be permitted that causes or contributes to significant degradation of waters of the U.S. Effects contributing to significant degradation include:
 - a) Adverse effects on human health or welfare;
 - b) Adverse effects on life stages of aquatic life and wildlife;
 - c) Adverse effects on aquatic ecosystem diversity, productivity and stability;

d) Adverse effects on recreational, aesthetic and economic values.

4) No discharge of dredged or fill material will be permitted unless appropriate steps have been taken to minimize adverse impacts of the discharge on the aquatic ecosystem.

5. CORPS (40 CFR 230.11) Disposal of Dredged or Fill Material

Permitting authority must document the potential short term and long term effects of a proposed discharge on the environment. The determination must include findings on:

- a. Physical substrate;
- b. Water circulation, fluctuation and salinity;
- c. Suspended particulate/turbidity;
- d. Contaminants;
- e. Aquatic ecosystem and organisms;
- f. Proposed disposal site;
- g. Cumulative impacts; and
- h. Secondary impacts.

6. EPA (40 CFR 231.(A) Disposal of Dredged or Fill Material

Prohibit or otherwise restrict a site whenever the discharge of dredged or fill material is having or will have an "unacceptable adverse effect" on municipal water supplies, shellfish beds and fishery areas, wildlife or recreational beds. And there is a showing that all the activity associated with the fill is necessary.

7. CORPS (33 CFR 320.4) Permits for Activities Affecting Navigational Waters

Required consideration for all Corps reviews of dams and dikes; structures; working, alteration or modification of navigable waters; construction of fixed structures on Outer Continental Shelf; discharges into waters of the United States; and ocean dumping.

- 1) Public interest review;
 - a) Extent of public and private need.

- b) Alternative location and methods.
 - c) Public and private beneficial and detrimental effects.
 - d) Cumulative effects.
- 2) Wetlands;
- a.) Cumulative impacts;
 - b.) No permit issued unless District Engineer concludes the benefits outweigh damage to wetland;
- 3) Applicant is urged to modify the proposal to eliminate or mitigate damage to resources;
- 4) Water Quality
- 5) Historic, scenic and recreational values;
- 6) Effects on limits of the territorial sea;
- 7) Interference with adjacent properties or water resource projects.
- 8) Activities in marine sanctuaries
- No permit issued until applicant certifies that the activity is consistent with the purposes of Title III of the MPRSA.
- 9) Floodplains
8. CORPS (22 CFR 322.5) Permits for Activities Affecting Navigational Waters
- a. Permits for structures or work in or affecting navigable waters of the United States as required under Section 10 of the Rivers and Harbors Act include:
 - 1) Non-Federal Dredging for Navigation

Permittee must meet same conditions as federal dredging projects with respect to turbidity, water quality, containment of material, nature and location of approved spoil disposal areas, extent and period of dredging, and "other factors relating to protection of environmental and ecological values."

2) Structures for Small Boats

In the absence of overriding public interest, favorable consideration will generally be given to applicants from riparian owners for permits for piers, boat docks, moorings, platforms, and similar structures for small boats.

Particular attention is given to prevent possible obstructions to navigation.

Cooperative or group facilities are encouraged.

3) Aids to Navigation

Must conform to U.S. Coast Guard requirements for marking, lighting, etc.

4) Canals and Other Artificial Waterways Connected to Navigable Waters of U.S.

Canals or similar artificial waterways are subject to same regulations as other natural waterways of the U.S.

5) Power Transmission Lines

Section 10 permits are required for power transmission lines crossing navigable waters. Regulations prescribe minimum clearance.

9. CORPS (33 CRR 323.4) Permits for Activities Affecting Navigational Waters

a. Management practices that should be followed to the "maximum extent practicable" in the discharge of permitted dredged or fill materials.

- 1) Discharges of dredged or fill material should be avoided or minimized through the use of practical alternatives;
- 2) Discharges in spawning areas during spawning season should be avoided;
- 3) Discharges should not restrict or impede the movement of aquatic species;
- 4) Should minimize impacts from impoundments;
- 5) Wetland discharges should be avoided;

- 6) Heavy equipment in wetlands should be placed on mats.
- 7) Discharges into breeding and nesting areas for migratory waterfowl should be avoided; and
- 8) All temporary fills should be removed in their entirety.

10. CORPS (22 CFR 323.4-2) Permits for Activities Affecting Navigational Waters

- a. Provided conditions in "B" below are met, permitted discharges include:
 - 1) Non-tidal rivers, streams and their impoundments including adjacent wetlands that are located above the headwater;
 - 2) Natural lakes, including their adjacent wetlands, that are less than 10 acres in surface area and that are fed or drained by a river or stream above the headwaters. In the absence of adjacent wetlands, the surface areas of a lake shall be determined at the ordinary high water mark;
 - 3) Natural lakes, including their adjacent wetland, that are less than 10 acres in surface area and not a part of a surface river or stream. In the absence of adjacent wetland, the surface area of a lake shall be determined at the ordinary high water mark; and
 - 4) Other non-tidal waters of the United States other than isolated lakes larger than 10 acres (see 3) above) that are not part of a surface tributary system to interstate waters or navigable waters of the United States (see Sub-section 323.2(a)(5).
- b. For purposes of Section 404, the following conditions must be satisfied for any discharge of dredged or fill material in waters described above:
 - 1) That the discharge will not destroy a threatened or endangered species as identified under the Endangered Species Act, or endanger the critical habitat of such species;
 - 2) That the discharge will consist of suitable material free from toxic pollutants in other than trace quantities;

- 3) That the fill created by the discharge will be properly maintained to prevent erosion and other non-point sources of pollution; and
- 4) That the discharge will not occur in a component of the National Wild and Scenic River System or in a component of a State Wild and Scenic River System.

11. CORPS (33 CFR 325.9) Permits for Activities Affecting Navigational Waters

District Engineers will assure that authorized activities are conducted and executed in conformance with approved plans and other conditions of the permits.

12. CORPS OF ENGINEERS (33 CFR 320.4 (C)) Permits for Activities Affecting Navigable Waters

"The applicant will be urged to modify his proposal to eliminate or mitigate any damage to (wildlife) resources and, in appropriate cases, the permit may be conditioned to accomplish this purpose."

13. U.S. FISH AND WILDLIFE SERVICE/NMFS (40FR 231 5.2.A.(4)) Fish and Wildlife Coordination Act

"Non-water dependent structures, facilities, or activities generally will be considered by the Service to be unacceptable uses of the public waters unless it has been demonstrated that the proposed use is required in the public interest... and no alternative site mutually acceptable to the Service and the applicant is available. Although in many cases a restaurant, motel, trailer park, golf course, or other service facility may be more attractive to its customers if it has water frontage, this attraction does not necessarily require encroachment into navigable waters and wetlands. A set-back location that preserve public access to the water usually can provide as good or better water view, assure greater safety from storm hazards, and otherwise accord more fully with both the private and public interest."

14. U.S. FISH AND WILDLIFE SERVICE/NMFS (40 FR 231.4.1.B(2))

"...wetlands and shallow water habitats have such high ecological and social values as to admit their destruction or degradation only when there is no question that the public interest demands it."

15. U.S. FISH AND WILDLIFE SERVICE/NMFS (40 FR 231 2.2.B(1)(b)) Fish and Wildlife Coordination Act

"The Service, through taking of every appropriate, useful action, has the following long-range objective...Ensuring that

all authorized works, structures, and activities are (1) judged to be the least ecologically damaging alternative or combination of alternatives (e.g., all appropriate means have been adopted to minimize environmental losses and degradation..") (40 FR 231 2.1 C.) For water-dependent works "The service usually recommends that the site occupied involves the least loss of area on the least valuable of the alternative sites..."

16. U.S. FISH AND WILDLIFE SERVICE NMFS/(40 FR 231 3.1 (B(2)))
Fish and Wildlife Coordination Act

"It is the Service position that it is proper to assess the total impact of the total development, including any part to be located on uplands and any secondary effects."

"The totality of existing and projected cumulative impact of all developments affecting a waterway or group of related waterways and the dependent resources thereof also must be considered."

17. U.S. FISH AND WILDLIFE SERVICE/NMFS (40 FR 231 5.2A(6))
Fish and Wildlife Coordination Act

"The Service will object to or request denial or Federal permit for any proposed project not properly designed or located to avoid preventable significant damages to fish, wildlife, and/or other environmental values."

18. U.S. FISH AND WILDLIFE SERVICE/NMFS (40 FR 231 5.31(1))
Fish and Wildlife Coordination Act

Regarding excavation and filling, "any permits issued... will be recommended to be conditioned to prohibit activities in fish and wildlife nursery areas and during periods of migration, spawning, and nesting activity."

19. U.S. FISH AND WILDLIFE SERVICE (46 FR 15) Mitigation Rules

In January 1981, the USFWS promulgated regulations for mitigating the adverse impacts of land and water developments on fish, wildlife, their habitats and uses thereof.

USFWS recommends mitigation programs consistent with fish and wildlife resource values, Resource Category 1, who's goal is "no loss of existing habitat value" is consistent with mitigation language in Goal 16.

20. DSL (ORS 541.625 Fill and Removal Law

- a. The Director shall issue a permit if he determines the removal will not be inconsistent with the protection, conservation and best use of the water resource.

- b. The Director shall issue a permit if it would not interfere with state policy to reserve waters for navigation, fishing and public recreation.

21. DSL (ORS 541.625(2)a-e) Fill and Removal Law

a. Director shall consider

- 1) Public need
- 2) Conservation, public health and safety
- 3) Conforms with existing public uses
- 4) Consistency with land use
- 5) Whether for stream bank protection

22. DSL (ORS 541.626) Fill and Removal Law

The Director shall require mitigation as a condition of any permit for filling or removal of intertidal marsh.

23. ODFW (ORS 496.012) Wildlife Policy

Manage wildlife to provide the optimum recreational and aesthetic benefits by:

- a. Maintaining all species of wildlife;
- b. Developing and managing lands and waters in a way that will enhance production and public enjoyment of wildlife;
- c. Permit orderly and equitable utilization of available wildlife;
- d. Develop and maintain public access;
- e. Regulate wildlife populations compatible with primary uses and public use.

24. ODFW (ORS 506.036) Jurisdiction of Fish and Wildlife Commission

The Commission has exclusive jurisdiction over all fish, shellfish and all other animals living intertidally on the bottom, within the waters of this state.

The Commission also has the duty of protection, preservation, propagation, cultivation, development and promotion of all fish under its jurisdiction in state waters.

25. ODFW (ORS 506.109) Food Fish Management Policy

Manage food fish for optimum economic, commercial, recreational and aesthetic benefits by:

- a. Maintaining them at optimum levels;
- b. Developing and managing lands and waters for optimum use;
- c. Permitting optimum and equitable use;
- d. Developing and maintaining access;
- e. Regulating populations;
- f. Preserving fishing industry with sound management policies.

26. ODFW (ORS 509.505) Placing Inwater Matter Injurious to Shellfish

It is illegal for any person, municipal corporation, political subdivision or governmental agency to deposit or allow to escape into, or cause or permit to be deposited or escape into any public waters of this state, any substance of any kind which will or shall in any manner injuriously affect the life, growth or flavor of shellfish in or under such waters.



V. DEFINITIONS

ACCRETION: The build-up of land along a beach or shore by the deposition of waterborne or airborne sand, sediment, or other material.

ACTIVE RESTORATION: The use of specific remedial action such as removing fills, breaching dikes, removing tidegates, etc., to restore or replace original estuarine attributes. (see RESTORATION)

ANADROMOUS: Referring to fish, such as salmon, which hatch in fresh water, migrate to ocean waters to grow and mature, and return to fresh waters to spawn.

ARCHAEOLOGICAL RESOURCES: Those districts, sites, buildings, structures, and artifacts which possess material evidence of human life and culture of the prehistoric and historic past. (See Historical Resources definition.)

AQUACULTURE: The raising, feeding, planting and harvesting of fish, shellfish or marine plants, including facilities necessary to engage in the use.

AVULSION: A tearing away or separation by the force of water. Land which is separated from uplands or adjacent properties by the action of a stream or river cutting through the land to form a new stream bed.

B

BEACH: Gently sloping areas of loose material (e.g., sand, gravel, and cobbles) that extend landward from the low-water line to a point where there is a definite change in the material type or landform, or to the line of vegetation.

BENTHIC: Living on or within the bottom sediments in water bodies.

BREAKWATER: An offshore barrier, sometimes connected to the shore at one or both ends to break the force of waves. Used to protect harbors and marina, breakwaters may be constructed of rock, piling, concrete or may be floating structures.

BRIDGE CROSSINGS: The portion of a bridge spanning a waterway not including supporting structures or fill located in the waterway or adjacent wetlands.

BRIDGE CROSSING SUPPORT STRUCTURES: Piers, piling, and similar structures necessary to support a bridge span but not including fill for causeways or approaches.

C

COASTAL LAKES: Lakes in the coastal zone that are bordered by a dune formation or that have a direct hydrologic surface or subsurface connection with saltwater.

COASTAL SHORELANDS: Those areas immediately adjacent to the ocean, all estuaries and associated wetlands, and all coastal zones.

COASTAL STREAM: Any stream within the coastal zone.

COASTAL WATERS: Territorial ocean waters of the continental shelf; estuaries; and coastal lakes.

COASTAL ZONE: The area lying between the Washington border on the north to the California border on the south, bounded on the west by the extent of the state's jurisdiction, and in the east by the crest of the coastal mountain range, with the exception of: (a) The Umpqua River basin, where the coastal zone shall extend to Scottsburg; (b) The Rogue River Basin, where the coastal zone shall extend to Agness; (c) The Columbia River Basin, where the coastal zone shall extend to the downstream end of Puget Island (formerly ORS 191.100).

CONDITIONAL: Refers to a use which may be permitted only after a case-by-case review and local conditional use approval has been granted.

CONSERVE: To manage in a manner which avoids wasteful or destructive use and provides for future availability.

CONTINENTAL SHELF: The area seaward from the ocean shore to the distance when the ocean depth is 200 meters, or where the ocean floor slopes more steeply to the deep ocean floor. The area beyond the state's jurisdiction is the OUTER Continental Shelf.

D

DEFLATION PLAIN: The broad interdune area which is wind scoured to the level of the summer water table.

DIVERSITY: The variety of natural, environmental, economic, and social resources, values, benefits, and activities.

DIKE: An earthen embankment or ridge constructed to restrain high waters.

DOCK: A fixed or floating decked structure against which a vessel may be berthed.

DOLPHIN: A group of piles driven together and tied together so that the group is capable of withstanding lateral forces from vessels or other objects.

DREDGED MATERIAL DISPOSAL: The deposition of dredged material in shorelands or estuarine areas.

DREDGING: The removal of sediment or other material from a water body, usually for the purpose of deepening a channel, mooring basin or other navigation area.

DUNE: A hill or ridge of sand built up by the wind along sandy coasts.

DUNE, ACTIVE: A dune that migrates, grows and diminishes from the face of wind and supply of sand. Active dunes include all open sand dunes, active hummocks, and active foredunes.

DUNE, CONDITIONALLY STABLE: A dune presently in a stable condition, but vulnerable to becoming active due to fragile vegetative cover.

DUNE, OLDER STABILIZED: A dune that is stable from wind erosion, and that has significant soil development and that may include diverse forest cover. They include older foredunes.

DUNE, OPEN SAND: A collective term for active, unvegetated dune landforms.

DUNE, RECENTLY STABILIZED: A dune with sufficient vegetation to be stabilized from wind erosion, but with little, if any, development of soil or cohesion of the sand under the vegetation. Recently stabilized dunes include conditionally stable foredunes, conditionally stable dunes, dune complexes, and younger stabilized dunes.

DUNES, YOUNGER STABILIZED: A wind stable dune with weakly developed soils and vegetation.

DUNE COMPLEX: Various patterns of small dunes with partially stabilized intervening areas.

E

ECOSYSTEM: The living and non-living components of the environment which interact or function together, including plant and animal organisms, the physical environment, and the energy system in which they exist. All the components of an ecosystem are inter-related.

ESTUARY: A semi-enclosed body of water connected with the ocean and within which fresh and salt water mix. The estuary includes (a) estuarine water; (b) intertidal lands; (c) sub-tidal lands; and (d) tidal marshes. Estuaries extend upstream to the head of tide; their landward extent is Mean Higher High Water or the line of non-aquatic vegetation.

ESTUARINE ENHANCEMENT: An action which results in a long-term improvement of existing estuarine functional characteristics and processes that is not the result of a creation or restoration action.

EXCAVATION: Excavation of shoreland to create new estuarine surface area directly connected to other estuarine waters.

F

FILL: The placement by man of sand, sediment, or other material, usually in submerged lands or wetlands, to create new uplands or raise the elevation of land.

FLOODPLAIN: The area adjoining a stream, tidal estuary or coast that is subject to regional flooding.

A REGIONAL (100-YEAR) FLOOD is a standard statistical calculation used by engineers to determine the probability of severe flooding. It represents the largest flood which has a one-percent chance of occurring in any one year in an area as a result of periods of higher than normal rainfall or streamflows, extremely high tides, high winds, rapid snowmelt, natural stream blockages, tsunamis, or combination thereof.

FLOODWAY: The normal stream channel and that adjoining area of the natural floodplain needed to convey the waters of a regional flood while causing less than one foot increase in upstream flood elevations.

FLOODFRINGE: The area of the floodplain lying outside the floodway, but subject to periodic inundation from flooding.

FOREDUNE, ACTIVE: An unstable barrier ridge of sand paralleling the beach and subject to wind erosion, water erosion, and growth from new sand deposits. Active foredunes may include areas within beach grass, and occur in sand spits and at river mouths as well as elsewhere.

FOREDUNE, CONDITIONALLY STABLE: An active foredune that has ceased growing in height and that has become conditionally stable with regard to wind erosion.

FOREDUNE, OLDER: A conditionally stable foredune that has become wind stabilized by diverse vegetation and soil development.

FILL: The placement of material in estuarine areas to create new shoreland area or raise the elevation of land.

G

GEOLOGIC: Relating to the occurrence and properties of earth. Geologic hazards include faults, land and mudslides, and earthquakes.

GROIN: A shore protection structure (usually perpendicular to the shoreline) to trap littoral drift or retard erosion of the shoreline. Generally constructed of rock or other solid material.

H

HEADLANDS: Bluffs, promontories or points of high shore land jutting out into the ocean, generally sloping abruptly into the water. Oregon headlands are generally identified in the report on Visual Resource Analysis of the Oregon Coastal Zone, OCCDC, 1974.

HISTORICAL RESOURCES: Those districts, sites, buildings, structures, and artifacts which have a relationship to events or conditions of the human past.

HUMMOCK, ACTIVE: Partially vegetated (usually with beach grass), circular, and elevated mounds of sand which are actively growing in size.

HYDRAULIC: Related to the movement or pressure of water. Hydraulic hazards are those associated with erosion or sedimentation caused by the action of water flowing in a river or streambed, or oceanic currents and waves.

HYDRAULIC PROCESSES: Actions resulting from the effect of moving water or water pressure, on the bed, banks, and shorelands of water bodies (ocean, estuarine, streams, lakes and rivers).

HYDROGRAPHY: The study, description and mapping of oceans, estuaries, rivers and lakes.

HYDROLOGIC: Relating to the occurrence and properties of water. Hydrologic hazards including flooding (the rise of water) as well as hydraulic hazards associated with the movement of water.

I

IMPACT: The consequences of a course of action; the effect of a goal, guideline, plan, or decision.

INTEGRITY: The quality or state of being complete and functionally unimpaired; the wholeness or entirety of a body or system, including its parts, materials, and processes. The integrity of an ecosystem emphasizes the interrelatedness of all parts and the unity of its whole.

INTERDUNE AREA: Low-lying areas between higher sand landforms which are generally under water during part of the year. (See also Deflation Plain.)

INTERTIDAL: Between the levels of mean lower low tide (MLLT) and mean higher high tide (MHHT).

J

JETTY: An artificial barrier used to change littoral drift to protect inlet entrances from sedimentation and to direct and confine the stream of the tidal flow. Usually constructed at the mouth of a river or estuary to help deepen and stabilize a channel.

L

LCDC: Land Conservation and Development Commission of the State of Oregon. Seven lay-citizens, non-salaried, appointed by the Governor, confirmed by the Oregon Senate; at least one commissioner from each Congressional District; no more than two from Multnomah County.

LITTORAL DRIFT: The material moved, such as sand or gravel, in the littoral (shallow water nearshore) zone under the influence of waves and currents.

M

MANAGEMENT UNIT: A discrete geographic area, defined by biophysical characteristics and features, within which certain uses and activities are promoted, encouraged and protected and others are discouraged, restricted or prohibited.

MARINA: A small harbor, boat basin or moorage facility providing dockage for recreational craft.

MINOR NAVIGATIONAL IMPROVEMENTS: Alterations necessary to provide water access to existing or permitted uses in conservation management units including dredging for access channels and for maintaining existing navigation but excluding fill and in-water navigational structures other than floating breakwaters or similar permeable wave barriers.

MEAN LOWER LOW WATER: The average of the lower low waters over a 19-year period.

MEAN HIGHER HIGH WATER: The average of the higher high waters over a 19-year period.

MINERAL AND AGGREGATE EXTRACTION: The removal for economic use of minerals, petroleum resources, sand, gravel or other materials from the estuary.

MITIGATION: The creation, restoration, or enhancement of an estuarine area to maintain the functional characteristics and processes of the estuary, such as its natural biological productivity, habitats, and species diversity unique features and water quality (ORS 541.626).

N

NATURAL AREAS: Includes management units that have substantially retained their natural character, which is an important habitat for plant, animal, or marine life. Such areas are not necessarily completely natural or undisturbed, but can be significant for the study of natural, historical, scientific, or paleontological features, or for the appreciation of natural features.

NOT ALLOWED: Refers to a use or activity which is not permitted. Can only be permitted upon adoption of a plan amendment.

O

OCCDC: Oregon Coastal Conservation and Development Commission, created by ORS 191; existed from 1971 to 1975. Its work is continued by LCDC.

OCEAN FLOODING: The flooding of lowland areas by salt water owing to tidal action, storm surge, or tsunamis (seismic sea waves). Land forms subject to Ocean Flooding include beaches, marshes, coastal lowlands, and lowlying interdune areas. Areas of ocean flooding are mapped by the Federal Emergency Management Agency (FEMA). Ocean flooding includes areas of velocity flooding and associated shallow marine flooding.

OUTFALLS: An outlet through which materials are discharged into the estuary. Outfalls include sanitary (sewer) discharges, storm drainage facilities, and other industrial waste discharges.

P

PASSIVE RESTORATION: The use of natural processes, sequences or timing to bring about restoration after removal or reduction of adverse stresses. (See RESTORATION)

PERMITTED WITH STANDARDS: Refers to a use which is permitted as consistent with the purpose and management objective of the management unit. Permitted uses must conform to the Estuarine Use Standards set forth in the plan.

PIER: A structure extending into the water from solid land generally to afford passage for persons or goods to or from vessels, but sometimes to provide recreational access to the estuary.

PILING: A long, slender stake or structural element of steel, concrete or timber which is driven, jetted or otherwise embedded into the bed of the estuary for the purpose of supporting a load.

PORT FACILITIES: Facilities which accommodate and support commercial fishery and navigation activities, including terminals and boat basins and moorage for commercial vessels, barges and oceangoing ships.

PRESERVE: To save from change or loss and reserve for a special purpose.

PROTECT: Save or shield from loss, destruction or injury for future intended use.

PUBLIC GAIN: The net gain from combined economic, social, and environmental effects which accrue to the public because of a use or activity and its subsequent resulting effects.

R

RECREATION: Any experience voluntarily engaged in largely during leisure (discretionary time) from which the individual derives satisfaction.

COASTAL RECREATION occurs in offshore ocean waters, estuaries, and streams, along beaches and bluffs, and in adjacent shorelands. It includes a variety of activities, from swimming, scuba diving, boating, fishing, hunting, and use of dune buggies, shell collecting, painting, wildlife observation, and sightseeing, to coastal resorts and water-oriented restaurants.

LOW INTENSITY RECREATION does not require developed facilities and can be accommodated without change to the area or resource. E.g., boating, hunting, hiking, wildlife photography, and beach or shore activities can be low intensity recreation.

HIGH INTENSITY RECREATION uses specially built facilities, or occurs in such density or form that it requires or results in a modification of the area or resource. Campgrounds, golf courses, public beaches, and marinas are examples of high intensity recreation.

RESTORE: Revitalizing, returning, or replacing original attributes and amenities, such as natural biological productivity, aesthetic and cultural resources, which have been diminished or lost by past alterations, activities, or catastrophic events. Statewide Goal 16 estuarine restoration means to revitalize or reestablish functional characteristics and processes of the estuary diminished or lost by past alterations, activities, or catastrophic events. A restored area must be a shallow subtidal or an intertidal or tidal marsh area after alteration work is performed, and may not have been a functioning part of the estuarine system when alterations work begins.

ACTIVE RESTORATION involves the use of specific positive remedial actions, such as removing fills, installing water treatment facilities, or rebuilding deteriorated urban waterfront areas.

PASSIVE RESTORATION is the use of natural processes, sequences, and timing or which occurs after the removal or reduction of adverse stresses without other specific positive remedial action.

RIPARIAN: Of, pertaining to, or situated on the edge of the bank of a river or other body of water.

RIPRAP: A layer, facing, or protective mound of stones randomly placed to prevent erosion, scour or sloughing of a structure or embankment; also, the stone so used. In local usage, the similar use of other hard material, such as concrete rubble, is also frequently included as riprap.

S

SEDENTARY: Attached firmly to the bottom, generally incapable of movement.

SHORELANDS: The area adjacent to the estuary and its wetlands. The lower boundary of the shorelands is Mean Higher High Water or the line of non-aquatic vegetation; the upper boundary is the shoreland boundary.

which is established on the basis of a number of inventory characteristics. Shorelands extend upstream to the head of tide.

SHORELINE: The boundary line between a body of water and the land, measured on tidal waters at mean higher high water, and on non-tidal waterways at the ordinary high water mark.

SHORELINE STABILIZATION: The stabilization or protection from erosion of the banks of a waterway by vegetative or structural means.

SIGNIFICANT HABITAT AREAS: A land or water area where sustaining the natural resource characteristics is important or essential to the production and maintenance of aquatic life or wildlife populations.

SUBMERGED CROSSINGS: Power, telephone, water, sewer, gas or other transmission lines which are constructed beneath estuarine waters, usually by embedding into the bottom of the estuary.

SUBSTRATE: The medium upon which an organism lives and grows. The surface of the land or bottom of a water body.

SUBTIDAL: Below the level of mean lower low tide (MLLT).

T

TEMPORARY ALTERATION: Dredging, filling, or another estuarine alteration occurring over a specified short period of time which is needed to facilitate a use allowed by an acknowledged plan. Temporary alterations may not be for more than three years and the affected area must be restored to its previous condition. Temporary alterations include: (1) alterations necessary for federally authorized navigation projects (e.g., access to dredged material disposal sites by barge or pipeline and staging areas or dredging for jetty maintenance), (2) alterations to establish mitigation sites, alterations for bridge construction or repair and for drilling or other exploratory operations, and (3) minor structures (such as blinds) necessary for research and educational observation.

TERRITORIAL SEA: The ocean and seafloor area from mean low low water seaward three nautical miles.

TIDAL MARSH: Estuarine wetlands from the line of non-aquatic vegetation down to the end of vegetated flats, which is approximately the lower high water level.

W

WATER DEPENDENT: A use or activity that can only be carried out on, in or adjacent to the water because the use physically or economically requires access to the water body for water borne transportation, recreation, energy production or source of water. Non-water dependent accessory uses may be permitted in conjunction with a primary water dependent use. In general, such non-water dependent uses should not exceed 10% of the total area of the use. Variations to this standard may

be permitted if it is found that additional area is required for non-water dependent uses essential to the functioning of the primary water dependent use(s).

Examples of water dependent uses include, but are not necessarily limited to:

Marinas
 Aquaculture operations
 Marine ways
 Seafood processing plants
 Marine shipping terminals
 Charter boat operations
 Marine fuel sales

WATER RELATED: A water related use is:

- a. a use which derives a cost savings advantage (not associated with land costs or rent) from a location on or near the water; or
- b. a use whose location on or near the water is essential to the functioning of adjacent water dependent uses

Examples of water related uses include, but are not necessarily limited to:

Marine supply sales
 Bait and tackle shop
 Commercial fishing gear storage
 Seafood market

WATER HANDLING OF LOGS: The combined process of log dumping, storage transportation, millside handling and takeout as logs are placed into the water and moved to a final processing site.

WATER ORIENTED: A use whose attraction to the public is enhanced by a view of or access to coastal waters.

WHARF: A structure build alongside a waterway for the purpose of receipt, discharge and storage of goods and merchandise from vessels.

WETLANDS: Land areas where excess water is the dominant factor determining the nature of soil development and the types of plant and animal communities living at the soil surface. Wetland soils retain sufficient moisture to support aquatic or semi-aquatic plant life. In marine and estuarine areas, wetlands are bounded at the lower extreme by extreme low water; in freshwater areas, by a depth of six feet. The area below wetland are submerged lands.