

PLAN CONCEPTS AND DEFINITIONS

THE PLANNING/MANAGEMENT FRAMEWORK

The Estuary Management Plan is organized around descending levels of policies. These different levels are necessary because broad policies applied to the entire estuary cannot provide the type of guidance to property owners or government on what uses or activities should be allowed on specific sites. Yet to develop policies only at the site-specific level fails to recognize the impact of those policies to the total estuary. The policies in the Estuary Management Plan begin with the total estuary and end with site-specific guidelines. Each level of policy and the size of the area to which those policies are applied, is more specific than the preceding level.

Estuary Management Goal

There are three policy levels in the Grays Harbor Estuary Management Plan. The first level is a single, broad policy called the Estuary Management Goal. The goal sets forth the concept of balance in the development and preservation of the estuary (see section entitled Plan Concepts). The Goal, which says that "the Grays Harbor estuary will be managed for multiple uses" is very general and cannot be used as the only basis for evaluating a specific project proposal. Instead, specific project proposals must be evaluated by looking also at the more detailed policies at the second and third levels of the planning/management framework.

Planning Areas

The second policy level of the management plan is the Planning Area. The estuary is divided into eight Planning Areas (see Estuary Management Plan Map, Appendix B), each representing a common set of natural and man-related features. The criteria that were used to establish the boundaries for the Planning Areas include:

- land ownership
- political jurisdictions
- existing uses
- areas of existing or possible conflict
- physical boundaries or features

Planning Areas provide a basis for describing how different areas of the estuary presently function and how they should function in the future. Each Planning Area is described in terms of its existing character, its major existing uses, its conflicts and assets. General guidelines are included for management of the Planning Area's natural resources and for development within the Planning Area.

Management Units

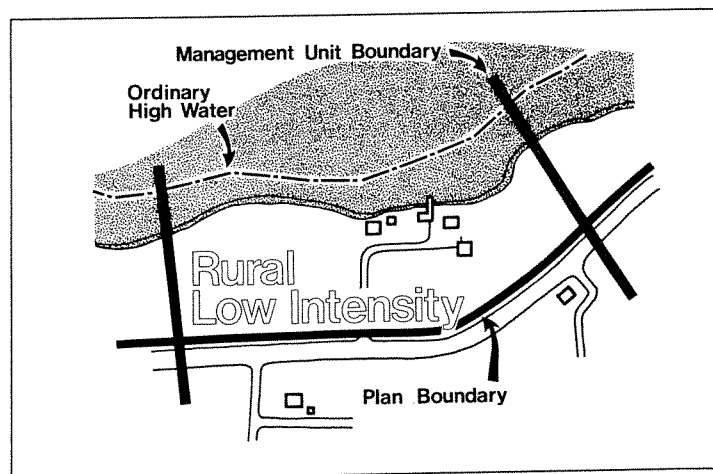
The third policy level in the management plan is the Management Unit. This is the most specific policy level and is designed to provide guidance to property owners and government in evaluating project proposals. Forty-three Management Units are contained in the Estuary Management Plan (see Plan Map, Appendix B). Each unit is given a Management Category (defined on pages 22 to 23) which carries with it a set of Standard Uses (page 114). The boundaries of each unit are described along with the Allowable Activities and a general Management Objective. Some Management Units also contain Special Conditions.

DEFINITIONS

Management Units

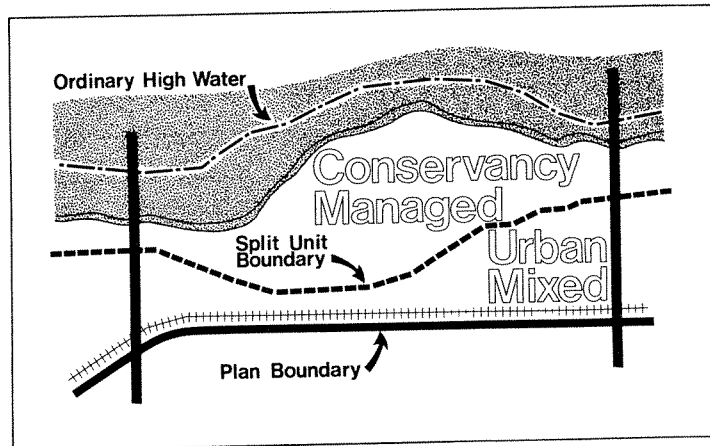
- Management Unit Boundaries

Most management units are parallel to the shoreline. They are defined on the upland side by the Plan Boundary; on the water side by the line of Ordinary High Water; and on the third and fourth sides by boundaries established whenever possible, by specific ground or property features. Unless otherwise specified, when roads and highways are used to define the Plan Boundary, the road or highway is not in the management unit. When a road or highway is used to define a Management Unit Boundary, the boundary line is the center line of the road. The diagram below is an illustration of management unit boundaries.



- Split Management Units

The plan contains several management units that have critical wetlands shoreward of the line of Ordinary High Water. In these units, additional protection is given to the wetlands by splitting management units with a third line parallel to the shoreline. Most often, the Corps of Engineers line of nonaquatic vegetation (Section 404 line) is used to split a management unit although occasionally other features are used. Splitting these management units separates areas with distinctly different characteristics and allows each portion of the management unit to have its own management designation, allowable uses, activities and special conditions.



- In-Water Management Units

While most management units are defined by the line of Ordinary High Water, some units are tidelands and submerged lands generally within the water area of the estuary. In these cases, the boundaries of the management units are not exact but are described by the features that are receiving special management treatment. As an example, the Whitcomb Flats area is Management Unit 42. There is no attempt to precisely define the boundaries of that management unit except as it is generally outlined on the Management Unit Map (Appendix B).

- Management Unit 44

Management Unit 44 is a special unit that includes all the water area not included within any other designated management unit.

- Special Management Units

Several management units have been given a "Special" classification. This indication is used where unique conditions exist with the unit's boundary or where other special circumstances are present. In all cases, the unique circumstances are covered in the Special Conditions section of the management unit.

Fills

Erosion Control

This type of fill is designed to preserve the existing bankline or to protect the bankline from erosion. The Bankline Erosion Control Policy (see page 24) addresses this type of fill. This policy may only be used where specifically authorized within the Allowable Activities Table of each management unit.

Special Project Fills

This type of fill is described in special conditions of specific management units. The fills in Management Unit 12 are an example of this type of fill. The exact conditions of these fills are spelled out within specific management units and have been determined through the estuary planning process.

Bankline Straightening

This is a small fill primarily done for the purpose of straightening the bankline to create more usable uplands for development. Within the estuary planning process it is not possible to identify all such possible circumstances where this type of fill might be desired so a Bankline Straightening Policy (see pages 25-26) has been developed. Like Bankline Erosion Control, this policy may only be used where specifically authorized within the Allowable Activities Table of each management unit.

All other fills that do not fit the preceding definitions will be disallowed through the permit process. The term fill, as used in this plan, does not include fills which are needed to prepare upland sites above the jurisdiction of the Section 404 line of non-aquatic vegetation. See also, section on Disposal of Wood Waste (page 29).

Terms

Many of the definitions in the following material contain terms or phrases that are somewhat technical in nature, but which conform to specific language contained in various statutes or regulations. Specific questions relating to some of these terms should be addressed to the Grays Harbor Regional Planning Commission staff or the state Department of Ecology, or the Corps of Engineers.

Access Channel: Creation of a side channel connecting the main navigation with shoreside facilities including ship berthing.

Activities: Any structure, facility or activity done in conjunction with a use or to make a use possible. Activities are not themselves a use. Several activities (for example; dredging, piling, fill) may be required for a single use.

Allowable/Allowed: A use or activity that conforms to the Grays Harbor Estuary Management Plan and may be undertaken subject to:

- The general requirement that the use or activity be designed and constructed in a manner that will minimize, so far as practical, any resultant damage to both the natural resources of the affected aquatic and shoreland area, and maintain consistency with the intent of the goals, policies and standards of the plan,

- Specific policies, standards or special conditions contained in this plan, and
- Applicable local, state and federal permits and regulations.

Appropriate/
Inappropriate Use:

Designated on the Standard Use table (page 114), a use is considered appropriate or inappropriate based on the stated purpose of applicable Management Categories (see pages 22-23).

Designation of an APPROPRIATE USE indicates that in most cases where the Management Category is used, the use will be appropriate. It does not mean that it will always be appropriate in specific management units. The Allowable Activities table, Management Unit Objectives and Special Conditions will ultimately determine whether or not a use can be accommodated in specific management units.

Designation of uses that MAY BE APPROPRIATE within Management Categories indicates that the individual circumstances of specific management units will determine whether or not uses so designated can be accommodated.

Uses designated INAPPROPRIATE are considered inconsistent with the purpose of designated Management Categories and generally will not be allowed.

- Bankline: That area of the shoreline that lies above ordinary high water and may be below the 404 boundary. The bankline can include wetland areas.
- Bankline Erosion Control: See Page 24
- Bankline Straightening: See Pages 25-26
- Boathouse: A structure built over the water to house boats.
- Breakwater: An offshore barrier, sometimes connected to the shore at one or both ends, to break the force of waves. A structure of rock, piling or concrete to protect a shore area, harbor or basin.
- Bridge: An overwater structural crossing for the purpose of vehicular, pedestrian or rail access.
- Bulkhead: A structure that separates land from water by a vertical retaining wall. The bulkhead retains earth and prevents sliding as well as protects the upland against wave damage.

Cable and Pipeline
Crossings:

Lines and cables placed in the substrate of a waterway to traverse the waterway beneath the water.

Causeway:

A filled passageway for vehicle access, often with culverts to allow drainage or tidal flow through the causeway.

Channel/Berth
Maintenance:

Dredging of shoal materials from navigation channel or ship berth to maintain access.

Conditional:

An activity or use which generally conforms to the management objectives of a particular Management Category or management unit, but because of potential problems inherent with the specific use or activity, may not be appropriate in every situation. Being "conditionally allowable" assumes that the use or activity is allowable only if sufficient care is taken to avoid predictable negative impacts through the application of project/site specific conditions.

Uses and activities classified as conditional may be authorized provided that all of the following criteria can be satisfied:

1. The proposed use or activity is consistent with the appropriate Planning Area Guidelines and the Management Objectives of the specific management unit. Consistency includes both the scope and scale of the proposed use or activity,
2. The proposed use of the site and design of the project will be compatible with other allowable uses and activities adjacent to and within the area,
3. The proposed use or activity will cause no unreasonably adverse effects to aquatic and shoreland areas,
4. The proposed use or activity will not have substantial adverse cumulative effects, and
5. There will be no substantial detrimental effects to the public's interest in the area, including normal public use of the shoreline.

Uses and activities which are authorized as conditional will be subject to conditions necessary to prevent any undesirable effects (including limitations to the scope and scale of the proposed use or activity).

A use or activity may be considered conditional, and thereby generally consistent with the plan goals, but may not be found allowable after a specific case review. Despite general consistency with the plan, a conditional use or activity may be inappropriate because of the specific circumstances surrounding the proposal or because of the unique characteristics of the proposal.

In the exceptional case where a proposed use or activity has not been set forth in the plan, it may be proposed as a conditional use or activity. In such circumstances, the use or activity may only be authorized if the preceding criteria are met and other applicable state and federal regulations (including permit requirements) are satisfied. A plan amendment might also be required.

- Dike:** An earthen embankment or ridge constructed to restrain high waters.
- Dock:** A fixed or floating decked structure against which a boat may be berthed temporarily or indefinitely.
- Dolphin:** A group of piles driven close together in water and tied together so that the group is capable of withstanding lateral forces from vessels and other floating objects.
- Dredging:** Removal of materials from a waterway or its banks.
- Fill:** See page 15
- 404 Boundary:** This is the upward limit of jurisdiction of Section 404 permit as required by the Corps of Engineers. The Seattle District Regulatory Functions Branch of the Corps should be contacted to determine the exact location of the Section 404 boundary in the Grays Harbor Estuary.
- Groin:** A shore protection structure (usually perpendicular to the shoreline) to trap littoral drift or retard erosion of the shore. This may also include an in-water structure used for fisheries enhancement.
- Jetty:** An artificial barrier used to change the natural littoral drift to protect inlet entrances from clogging by excess sediment and to direct and confine the stream of tidal flow. Jetties are built at the mouth of a river or estuary to help deepen and stabilize a channel.
- Mean Higher High Water (MHHW):** The average height of the higher high tides observed over a 19 year period.
- Mean Low Water (MLW):** The average of all observed low tides over a 19-year period. The average is of both the lower low and of the higher low tides recorded each day over a specific time period.
- Mean Lower Low Water (MLLW):** The average height of the lower low tides observed over a 19-year interval. The datum plane is used on Pacific Coast nautical charts to reference soundings. This line appears as a dotted line on NOS (formerly C&GS) charts between tidelands and submerged lands.

Nonwater- Dependent Use:	A use that can operate in a location other than on the waterfront. Examples include, but are not limited to, hotels, condominiums, apartments, restaurants, retail stores, and warehouses not part of a marine terminal or transfer facility.
Ordinary High Water Mark:	That mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition existed on June 1, 1971 or as it may naturally change thereafter; provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water.
Outfall:	Discharge or point of discharge of a culvert or other closed conduit and may also include an open outfall structure for return water from dredge material disposal sites, cranberry bogs, etc.
Pier:	A structure extending into the water from solid land for use as a landing place or promenade for persons and goods to and from vessels alongside the pier. Sometimes synonymous with wharf.
Piling:	A long, slender stake or structural element of timber, concrete or steel which is driven, jetted, or otherwise embedded on and into the ground for the purpose of supporting a load.
Public Access:	See General Policies on pages 22-30.
Riprap:	A facing layer of material placed on an embankment to prevent erosion, scour, or sloughing.
Special Conditions:	Specific standards, policies, or guidelines that may be found in specific Management Units. Where they occur, they are unique to that Management Unit and are designed to provide additional guidance on implementing the management objectives of that unit and in accommodating unique circumstances.
Unacceptable	<p>An unacceptable adverse impact is one which will significantly affect the biological functions of the particular site or of the estuary as a whole. Whether impacts of a particular use or activity are unacceptable depends on a comprehensive analysis including the nature of the proposed use or activity and proposed protective and mitigative measures.</p> <p>Where the plan indicates that certain uses and activities will not have unacceptable adverse impacts, this determination is made based on current data and in the context of all of the impacts and protective measures contained in the Plan. The determination presupposes that measures will be adopted to control avoidable adverse impacts, that all special conditions will be satisfied, and that appropriate permit criteria will be met.</p>

- Uplands:** Areas of shoreland characterized by plants that cannot withstand periodic or prolonged flooding or saturated soils. These areas do not support wetland vegetation and are outside Section 404 jurisdiction (see 404 Boundary definition).
- Use:** The "end" to which a land or water area is ultimately employed. A use often involves the placement of structures or facilities for industry, commerce, habitation or recreation. An accessory use is a use incidental and subordinate to the main use of the property and located on the same lot or parcel as the main use.
- Vegetation:** The general plant cover of an area as differentiated from individual types (species) of plants. Vegetation includes the numerical relationships of different species.
- Water Area:** That portion of the plan area that lies below Ordinary High Water.
- Water Dependent:** A water dependent use or activity cannot exist in any other location and is dependent on a water location by reason of the intrinsic nature of its operations. The water location or access must be needed for:
- Water-borne Transportation - navigation, moorage, fueling and servicing of ships or boats, terminal and transfer facilities, resource and material receiving and shipping; or
 - Public access; or
 - A Source of Water - structures or facilities necessary for water withdrawal.
- Water Related:** A water related use or activity is not intrinsically dependent on a waterfront location. A use or activity is water related if:
- It provides goods or services that are directly associated with water dependent uses, such as supplying materials or services to or using products of water dependent uses; or
 - It gains substantial cost savings or revenue-differentiating advantages (not associated with land cost or rents) from being located on the waterfront that it could not obtain from an inland location, or
 - A location other than adjacent to the water would result in a public loss of quality in the goods and services offered, considering the economic, social and environmental consequences of the use. Water related uses and activities are not differentiated from non-water dependent uses by federal regulations or guidelines. The application of federal regulations or guidelines to such uses will therefore be done as though they were non-water dependent.

Wetlands:

The term "wetlands" as used in this plan means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. The term wetlands also includes mudflats, sandflats, vegetated shallows, rocky shores, and sand or gravel beaches up to the limit of Section 404 jurisdiction.

By definition, wetlands are considered to be "waters of the United States", and are thereby within the jurisdiction of the Corps of Engineers to regulate the discharge of dredged or fill materials into those waters. The Corps of Engineers has the responsibility for determining whether a specific wetland area is within Section 404 jurisdiction.

Wharf:

A structure built alongside a waterway for the purposes of receipt, discharge and storage of goods and merchandise from boats.