

GENERAL POLICIES

MANAGEMENT CATEGORIES

Department of Ecology Guidelines for the implementation of the State Shoreline Management Act identify four "environment types" that would be used by local government in developing their local Shoreline Master Programs. Those four environments - natural, conservancy, rural, and urban - have been expanded into eight management categories in the Grays Harbor Estuary Management Plan. The following paragraphs identify these management categories along with a statement of their purpose.

N Natural

Purpose: The Natural management category preserves or restores designated natural areas to their natural or original condition. Such areas will remain relatively free of human influence and contain severe restrictions on the intensity and type of use that is allowed.

CN Conservancy Natural

Purpose: The Conservancy Natural management category maintains the general natural character of areas. Direct human influence in such areas will be minimal. The primary emphasis of Conservancy Natural is to ensure that future uses and changes that occur within the area are designed to enhance rather than degrade the natural characteristics of the area.

CM Conservancy Managed

Purpose: The Conservancy Managed management category protects areas for purposes that directly use or depend on natural systems. While it is not intended that such areas will be preserved in their natural state, the activities which occur in these areas will be compatible with the natural systems.

Managed is the key word in this classification. This classification allows uses which depend on the natural system for: production of food, recreation, recognized scientific research, or public access for recreational uses. Recreation uses will be water dependent and designed to maintain the quality of the natural features of the area.

RA Rural Agricultural

Purpose: The Rural Agricultural management category protects existing and potential agricultural land from the pressures of urban expansion and Rural-Low Intensity development. Agricultural uses include intensive cultivation practices that are dependent on regional, national and international markets and includes agricultural food crops as well as tree farming.

RL Rural Low Intensity

Purpose: The Rural Low Intensity management category restricts intensive development along undeveloped banklines and maintain open spaces and opportunities for recreational uses that are compatible with a general rural character.

Agricultural uses are allowable within the Rural Low Intensity areas although they will relate more to local markets or individual subsistence farming.

UR Urban Residential

Purpose: The Urban Residential management category protects areas where the predominant use is or should be residential. The Urban Residential category is designed to maintain a residential character in the development of a designated area in terms of density, scale and the general types of activities allowed.

Public water access and limited local service commercial uses are appropriate within Urban Residential areas.

UM Urban Mixed

Purpose: The Urban Mixed management category designates areas in which there is or should be a mix of compatible urban uses. In general, residential densities are higher than those of rural areas; industrial and commercial uses are service or community oriented; public access to the water area is allowed for recreation purposes.

UD Urban Development

Purpose: The Urban Development management category designates areas where the predominant uses are or will be industrial and commercial development. The intent of the designation is to provide for efficient utilization of such areas primarily for water-dependent/water-related commerce and industry that are directly related to the region's primary economy.

SP Special

Purpose: Management units designated SPECIAL contain features or circumstances that require management through Special Conditions that are unique to that management unit. The general definition of any of the other Management Categories is inadequate to describe the projected management of management units designated SPECIAL.

BANKLINE EROSION CONTROL

Within each management unit description, the Allowable Activities Table identifies where the following policies will be applied.

Activities allowed by these policies include riprapping and minor straightening and sloping of the bankline required to stabilize upland areas and prevent accelerated erosion processes.

1. Materials to be used shall be of nonerodable quality that will allow long term stability and minimize maintenance. Some erodable materials may be used when it can be demonstrated that fish and wildlife resources will be enhanced.
2. Riprap/bank stabilization procedures shall be confined to those areas where active erosion is occurring or new development or redevelopment requires protection for maintaining the integrity of upland structures or facilities.
3. Only clean materials may be used. Materials which could create water quality problems or which will rapidly deteriorate are not permitted.
4. Minor modifications of the bankline may be allowed on a case-by-case basis. These alterations shall be for the purpose of stabilizing the bankline, not for the purpose of developing new upland areas.
5. Under no circumstances shall bankline erosion control be initiated for the purpose of gaining developable uplands from existing water areas.
6. All projects shall be constructed in a manner to minimize turbidity in adjacent waters.
7. In all cases, restoration of the bankline through removal and prevention of debris and solid waste build-up will be encouraged.
8. The use of concrete slabs will not be allowed for bankline erosion control unless the concrete is broken into pieces no larger than 10 square feet in surface area and placed in a manner so as to preclude slumping and displacement. It is not the intent of this section to preclude the use of old concrete but rather to ensure that when used it will accomplish the same purpose and have the same qualities as natural material.
9. The outer slope of the bankline after completion of the erosion control will not exceed a slope of 2:1.
10. Use of vegetation for bankline stability is required where technically applicable and should be in conjunction with structural forms of erosion control. Vegetation shall be self-sustaining and soil stabilizing and compatible with natural shoreline vegetation.
11. Other bankline stabilization techniques may also be appropriate and will be evaluated on a case-by-case basis.

BANKLINE STRAIGHTENING

In specifically designated "urban" management units (identified in the Allowable Activities Table of the management unit), small fills may be allowed for the purpose of straightening the bankline to consolidate uplands for development. Management units so designated represent the best alternative areas within the estuary for maximum and efficient utilization of the uplands and bankline for water dependent and water related uses. In these cases, consolidation of the upland areas through minor filling to straighten the bankline is a means to promote efficient and effective use of the bankline areas. Where applied, the environmental impacts of such fills have not been found to be unacceptable, particularly in view of the broader objectives of the specific management units. In addition to the normal requirements for a federal Section 404 permit (see Relationship to Local, State and Federal Permitting), the following criteria will apply where Bankline Straightening is allowed:

1. This policy is only applicable in specified management units and in the adjacent Management Unit 44.
2. Bankline straightening can only occur between two existing points of land as defined by the limit of Corps jurisdiction, and when complete, the new line of Corps jurisdiction will be a straight line connecting these two points of land.
3. The maximum permitted fill within this policy is two acres measured from the Line of Non-Aquatic Vegetation (Section 404) and includes the areas defined as wetlands and is measured to the toe of the fill.
4. Fills allowed by this policy may not overlap.
5. Only piers, docks and other comparable structures may project beyond the allowable fill.
6. The outer slope of the fill will not exceed a slope of 2:1. However, a greater slope may be allowed if conditions warrant and the design is approved by state and federal resource agencies.
7. Broken concrete of sizes not to exceed 10 square feet and placed in a manner so as to preclude slumping and displacement is allowable along the fill slope.
8. Materials used on the fill slope shall be non-erodible to ensure long-term stability and minimize maintenance. Some erodible materials may be used when it can be demonstrated that fish and wildlife resources will be enhanced.
9. Only clean materials may be used for the fill and fill slope. Materials which could create water quality problems or which will rapidly deteriorate are not allowed.
10. All projects shall be constructed in a manner to minimize turbidity in adjacent waters.
11. Use of vegetation for bankline stabilization is required where technically applicable and is encouraged in conjunction with structural forms of erosion control. Vegetation shall be self-sustaining and soil stabilizing and compatible with natural shoreline vegetation.

12. In management units where bankline straightening is allowed, specific proposals must demonstrate that effective utilization of the uplands is not possible without the fill.

STANDARD USES

Each Management Category (see pages 22-23) contains a set of Standard Uses (see page 113) that are APPROPRIATE, MAY BE APPROPRIATE or are GENERALLY NOT APPROPRIATE. Each management unit is assigned a management category which automatically brings with it a set of standard uses. The Standard Uses Table matches management categories with uses.

LOG RAFTING

Log rafting may be allowed in areas designated on the Log Rafting Map (Appendix A) provided that log grounding does not occur. Where log grounding occurs, the log rafting may continue only as a non-conforming use subject to the following conditions:

1. Any modification or replacement of existing structures will be allowed only if such modifications will result in a net reduction of the incidence of log grounding, and
2. If such log rafting is discontinued for a period of time exceeding one year, it will not be allowed to resume.

Expansion of log rafting into new areas will be allowed if it is demonstrated that no grounding will occur, there will be no significant modification of the aquatic environment, excessive debris will not accumulate, and other environmental impacts are minimized. Special consideration will be given to such expansion if it will reduce the incidence of grounding at an existing area.

MITIGATION

Balance is the foundation of the plan. The goals, policies and standards of the plan represent a balance between protecting the integrity of natural systems, and allowing for long term maintenance and development of the region's economy. That balance was achieved by allowing both objectives to be met within the total estuary, with the acceptance of some site-specific economic and resource impacts in return for opportunities for resource protection and economic development on an estuary wide basis.

Mitigation is part of the balance of the plan. However, state or federal agencies do not have a uniform definition of mitigation that can be used to guide its use in this plan. Therefore the plan adopts the following mitigation policy.

Policy

To be consistent with this plan, any proposed project must include any or all of the following four mitigation actions as necessary to avoid or minimize adverse impacts. The plan is built on the assumption that proposals that are consistent with the plan (including provisions contained in specific management units and 404(b)(1) guidelines) will be able to be accomplished with the use of these four mitigation levels.

Level

- I Avoiding the impact altogether by not taking a certain action or parts of an action.
- II Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- III Rectifying the impact by repairing, rehabilitating, or restoring the affected environment on site.
- IV Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.

The preceding four forms of mitigation are considered sequential steps or levels of mitigation. As an example, when an adverse impact is identified in a specific project proposal, Level I mitigation measures are tried first. If the impact cannot be avoided in part or in whole with Level I mitigation, Level II mitigation measures would then be taken, and so on through Level IV if necessary.

Level V Mitigation

Compensation for the impact by replacing or providing substitute resources or environments.

In certain circumstances, the Levels I through IV mitigation measures may not be sufficient to adequately cope with significant adverse impacts or to maintain the general balance of the plan. The Estuary Management Plan identifies three such circumstances when Level V mitigation may be required;

- 1. Where Special Conditions in a management unit specify that Level V mitigation is required (e.g. Management Unit 15), or
- 2. When the plan is amended through the formal amendment process for a proposal that is not consistent with the plan, or
- 3. When significant new information is discovered (see page 28) through a proposal (generally at the permit stage) that is otherwise consistent with the plan, but had the information been available or known at the time the plan was prepared, a different management decision would have been made. To the extent such a proposal is allowed and/or modified through the permit process,

Level V mitigation may be required and the plan may be considered unbalanced. In such circumstances, the plan would be rebalanced during the next annual or five year review.

Level V Mitigation and the Discovery of Significant New Information

When significant new information is uncovered in the course of a permit application, and had the information been known at the time the plan was prepared, a different management decision would have been made for the area, at least three outcomes are possible:

1. The proposal is allowed but Level V mitigation is required to adequately deal with significant adverse impacts.

In this case, since the level of development envisioned by the plan has been allowed to occur (even though it required some Level V mitigation), the plan remains in balance.

2. The proposal is allowed, but even with Levels I through V mitigation the resulting development is in a form that is considerably reduced from what the plan would have otherwise allowed, and represents a loss of development potential in the management unit.

In this case, since substantially less development than the plan envisioned has actually been able to occur (even with Levels I through V mitigation), the plan is unbalanced by the amount of lost development potential.

3. The proposal is disallowed.

In this case, Levels I through V mitigation were inadequate to accommodate the significant adverse impacts and the management unit designation in the plan is incorrect. In these circumstances, the plan is unbalanced by the amount of the lost development management unit and will be rebalanced at the next annual or five year review.

In the first two circumstances, if the required Level V mitigation results in the permanent loss of designated development potential in some other area of the estuary, the plan will be unbalanced by the amount of that lost potential and will be rebalanced in the next annual or five year review.

Base Information

Determination of significant new information is measured against the base of information contained or referenced in the Program Final Environmental Impact Statement, Washington State Coastal Zone Management Program Amendment No. 3: Approval and Adoption of the Grays Harbor Estuary Management Plan; Washington State Department of Ecology/U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Management; 1986.

Amount of Level V Mitigation Required

When Level V mitigation is required to account for significant new information, the amount required is calculated only on the newly discovered resource values in excess

of the values identified in the Base Information, and only for values that cannot be accounted for with Level I through IV mitigation measures.

DISPOSAL OF WOOD WASTE

Disposal of wood waste in areas under the jurisdiction of the Shoreline Management Act is not allowed unless the primary purpose for creating the fill is for a use other than waste disposal. Proposals to use wood waste to create a development site may be allowed in limited circumstances and must be evaluated on a case-by-case basis. In all circumstances, a proposal must demonstrate that sound engineering practices have been used to insure the physical and chemical impacts of wood waste fill can be confined within the fill area and that the proposal is otherwise consistent with applicable agency policies.

HISTORIC AND ARCHAEOLOGIC SITES

While known historic and archaeologic sites have been considered in the management decisions of this plan, it is anticipated that in the course of individual project design and construction, other historic or archaeologic information may be uncovered. To ensure that adequate measures are employed, the following general policies will apply:

1. Projects in areas of known historic or archaeologic sites will be required to include an additional archaeologic reconnaissance survey with permit applications.
2. If additional information of significance is identified in a reconnaissance survey, more detailed monitoring or investigation may be required prior to or during the construction process.
3. If, in the course of a construction project, suspected historic or archaeologic artifacts are uncovered, the local jurisdiction and state archaeological office will be notified for guidance on the proper disposition of the material.

PUBLIC ACCESS

Ensuring the public's right and opportunities for visual and physical access to the shoreline and resources of the harbor is an important part of the State's Shoreline Management Program and the Grays Harbor Estuary Management Program. Protection of private property rights and sensitive natural resources and maintaining public safety are equally valued by each program.

To achieve these goals, the following policies apply:

1. Public access in Natural and Conservancy Natural areas will be discouraged unless facilities are specifically provided to accommodate public use of the area or unless the public use does not impact the resources of the area.
2. Opportunities for public viewing of all industrial waterfront areas are strongly encouraged, but in a manner where neither public safety nor industrial operations are jeopardized.
3. Public agencies are encouraged to provide specific facilities for viewing harbor resources and for achieving direct physical access to the water area. Such facilities must be located and designed to minimize impact on resources.

4. In all cases, planned public access, either as a part of private project approved through a local Substantial Development Permit or as a public project initiated by a public agency, must be consistent with the Management Objectives, Allowable Activities and Conditions of the Management unit within which the project is located.
5. Planned public access should be located where it will not cause unnecessary disruption to adjacent private property.