

Section 6.150 ESTUARINE STANDARDS

Section 6.152 Boat Ramp.

1. Boat ramps requiring fill or dredging shall be evaluated under fill or dredging requirements. (Fill or removal of 50 cubic yards or less do not require permits from the U.S. Army Corps of Engineers or the Division of State Lands). Necessary permits will be obtained.
2. Boat ramps shall be compatible with surrounding uses, such as natural areas or residential areas.

Section 6.153 Dock/Moorage

1. Community docks or moorages shall be given higher priority than private individual docks or moorages.
2. Where a private individual dock is proposed, the applicant must provide evidence that alternative moorage sites, such as nearby marinas, community docks or mooring buoys are not available, are impractical, or will not satisfy the need.
3. Evidence shall be provided by the applicant that the size of the dock or moorage is the minimum necessary to fulfill the purpose.
4. Covered or enclosed moorage shall not be allowed except in connection with a commercial or industrial use where such shelter is necessary for repair and maintenance of vessels and associated equipment, such as fishing nets, etc.
5. Open-pile piers or secured floats shall be used for dock construction. Fills in aquatic areas to create a dock or moorage are not permitted.
6. Piers and floats shall extend no further out into the water than is needed to affect navigational access. Conflicts with other water surface uses, such as fishing or recreational boating, shall be minimized.
7. Floats in tidally-influenced areas shall be located such that they do not rest on the bottom at low water.

Section 6.153.5 Dredge Material Disposal

1. Surface runoff from disposal sites shall be controlled to protect water quality and prevent sedimentation of adjacent water bodies, wetlands and drainage ways. Disposal runoff water must enter the waterway through an outfall at a location with adequate circulation and flushing. Underground springs and aquifers must be identified and protected.
2. Dikes shall be well constructed and large enough to encourage proper "ponding" and to prevent the return of solids into the waterway or estuary. Ponds should be designed to maintain at least one foot (1') of standing water at all times to further encourage proper settling. Weirs should have proper crest heights.
3. Land disposal sites that are not intended for immediate subsequent use as development locations, including sites which will be re-used for dredged material disposal, shall be revegetated as soon as disposal site conditions allow in order to retard wind and wave erosion and to restore the fish and wildlife habitat value of the site. Native plant species should be considered for revegetation of disposal areas. However, plant species and revegetation techniques approved by the Soil Conservation Service, the U.S. Army Corps of Engineers and other participating federal and state resource agencies are appropriate.

4. Dredged materials shall not be deposited in estuarine waters, freshwater lakes or freshwater wetlands unless part of an approved development fill. Where there is erosion occurring and biological productivity is low, beach nourishment may be considered as a means of disposal.

Section 6.154 Fill.

1. Fill shall be allowed only:
 - A. If required for navigation or other water-dependent uses that require an estuarine location, or a use specifically allowed in the applicable aquatic zone;
 - 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;
 - C. If no feasible alternative upland locations exist; and
 - D. If adverse impacts are minimized.
2. Where fills are permitted, the fill shall be the minimum necessary to accomplish the proposed use.
3. Fills shall be permitted only after it is established through environmental impact assessment that negative impacts on the following factors will be minimized:
 - A. Navigation.
 - B. Productive estuarine habitat.
 - C. Water circulation and sedimentation patterns.
 - D. Water quality.
 - E. Recreation activities.
4. Where existing public access is reduced, suitable public access as part of the development project shall be provided.
5. Aquatic areas shall not be used for sanitary landfills or the disposal of solid waste.
6. Fill shall be permitted only in conjunction with the following uses:
 - A. Maintenance of existing structures and facilities, including structures and facilities existing as of October 7, 1977, and structures and facilities allowed in aquatic zones;
 - B. Boat ramps or other high intensity water dependent recreational uses in Aquatic Conservation Zones;
 - C. Installation of bridge crossing support structures, pipelines, cables and utility crossings or communication facilities.
 - D. Installation of storm water or sanitary sewer outfalls in Aquatic Conservation Zones;
 - E. An approved active restoration or estuarine enhancement or mitigation project;
 - F. Temporary alterations.

Section 6.155 Land Transportation Facilities

1. Land Transportation facilities shall not be located in wetlands or aquatic areas except where bridge crossings on pilings are needed.

2. Highways, railroads and bridges should be designed and located to take advantage of the natural topography so as to cause minimum disruption of the shoreline area. Causeways across aquatic areas shall not be permitted.
3. The impacts of proposed rail or highway facilities on land use patterns and physical/visual access shall be evaluated.
4. Culverts shall be permitted only where bridges are not feasible, and shall be large enough to protect water quality, salinity regime and wildlife habitat.

Section 6.156 Dredging.

1. Dredging shall be allowed only:
 - A. If required for navigation or other water-dependent uses that require an estuarine location, or a use specifically allowed in the applicable aquatic zone;
 - 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;
 - C. If no feasible alternative upland locations exist; and
 - D. If adverse impacts are minimized.
2. Dredging for on-site maintenance of existing structures and facilities shall be allowed only if:
 - A. The dredging is necessary to maintain proper operation of the facility;
 - B. The dredging is confined to the geographic area of the existing facility and is the minimum amount necessary to meet the need.
3. Dredging shall be permitted only in conjunction with the following uses
 - A. Maintenance of existing structures and facilities, including uses and activities established prior to October 7, 1977, and uses allowed in the aquatic zone;
 - B. Boat ramps or other high intensity water dependent recreational uses in Aquatic Conservation Zones;
 - C. Installation of bridge crossing support structures, pipelines, cables and utility crossings or communication facilities;
 - D. Tidegate installation in existing functional dikes;
 - E. Installation of storm water or sanitary sewer outfalls in Aquatic Conservation Zones;
 - F. An approved active restoration or estuarine enhancement or mitigation project;
 - G. Temporary alterations;
 - H. Minor navigational improvements in Aquatic Conservation Zones.

Section 6.157 Mitigation

Mitigation for dredge or fill within estuarine waters or inter-tidal wetlands shall be required by the Director of the Division of State Lands under the provisions of ORS 541.605 to 541.665. The suitability of a mitigation proposal for a given project shall be determined by the Division of State Lands according to the procedure established in Administrative Rule 85-240 to 85-262 (Chapter 141).

Section 6.158 Pilings

1. Pilings for a use permitted in the estuary shall be approved only after the applicant has established that adverse impacts on navigation, estuarine habitat and processes, water circulation and sedimentation patterns, water quality and recreational activities are minimized.
2. The piling will meet all state and federal engineering standards.
3. Pilings shall be used in lieu of fill wherever the use is engineering feasible. The number of pilings shall be the minimum necessary to accomplish the proposed use.

Section 6.159 Restoration/Resource Enhancement - Active.

Conditional use application for active restoration/resource enhancement should be accompanied by an explanation of the purpose of the project and the resource(s) to be restored or enhanced. The project shall be allowed if consistent with the resource capabilities and purpose of the designation of the area and the other adjacent uses.

Section 6.1595 Temporary Alterations

1. Temporary alterations may be allowed only in conjunction with a use which is allowed in the Aquatic Natural or Aquatic Conservation Zone.
2. Temporary alterations may not be for more than three years, and the area must be restored to its original condition.
3. Short-term damage to resources must be consistent with the resource capabilities of the area.