

APPENDIX D

DEFINITIONS

A number of the terms used in coastal management have specific regulatory or procedural meaning. To clarify the intent of the coastal management policies, the following definitions apply to language used in the plan policies.

ACMP is the Alaska Coastal Management Program.

Active floodplain of watercourses is the portion of a floodplain that is periodically inundated or encompassed by a mean annual flood (Q = 2.33 flood frequency) and is characterized by active flowing channels, high water channels and adjacent unvegetated or sparsely vegetated bars.

Adjacent has the same meaning as in state law.

11 AAC 112.990 (a) (2) "adjacent" means near but not necessarily touching; (Eff. 7/1/2004, Register 170; am 10/29/2004, Register 172)

AMSA has the same meaning as in state law.

AS 46.40.210 (1) "area which merits special attention" means a delineated geographic area within the coastal area which is sensitive to change or alteration and which, because of plans or commitments or because a claim on the resources within the area delineated would preclude subsequent use of the resources to a conflicting or incompatible use, warrants special management attention, or which, because of its value to the general public, should be identified for current or future planning, protection, or acquisition; these areas, subject to council definition of criteria for their identification, include:

- (A) areas of unique, scarce, fragile or vulnerable natural habitat, cultural value, historical significance, or scenic importance;*
- (B) areas of high natural productivity or essential habitat for living resources;*
- (C) areas of substantial recreational value or opportunity;*
- (D) areas where development of facilities is dependent upon the utilization of, or access to, coastal water;*
- (E) areas of unique geologic or topographic significance which are susceptible to industrial or commercial development;*
- (F) areas of significant hazard due to storms, slides, floods, erosion, or settlement; and*
- (G) areas needed to protect, maintain, or replenish coastal land or resources, including coastal flood plains, aquifer recharge areas, beaches, and offshore sand deposits;*

Avoid has the same meaning as in state law.

11 AAC 112.900. Sequencing process to avoid, minimize, or mitigate. (a) As used in this chapter and for purposes of district enforceable policies developed under 11 AAC 114, "avoid, minimize, or mitigate" means a sequencing process of

- (1) avoiding adverse impacts to the maximum extent practicable; (2) where avoidance is not practicable, minimizing adverse impacts to the maximum extent practicable; or (3) if neither avoidance nor minimization is practicable, conducting mitigation to the extent appropriate and practicable; for purposes of this paragraph, "mitigation" means
 - (A) on-site rehabilitation of project impacts to affected coastal resources during or at the end of the life of the project; or
 - (B) to the extent on-site rehabilitation of project impacts is not practicable, substituting, if practicable, rehabilitation of or an improvement to affected coastal resources within the district, either on-site or off-site, for a coastal resource that is unavoidably impacted.
- (b) For a project that requires a federal authorization identified under 11 AAC 110.400, the coordinating agency shall consult with the authorizing federal agency during that federal agency's authorization review process to determine whether the mitigation requirements proposed by the federal agency for that federal authorization would satisfy the mitigation requirements of (a)(3) of this section. If the coordinating agency determines that the mitigation requirements proposed by the federal agency would not satisfy the mitigation requirements of (a)(3) of this section, the coordinating agency shall require appropriate mitigation in accordance with (a)(3) of this section.
- (c) For purposes of (a)(3) of this section, a determination of practicability includes the consideration of the following factors, as applicable:
 - (1) the magnitude of the functional values lost by the impacted coastal resources;
 - (2) the likelihood that the mitigation measure or improvement will succeed in actually rehabilitating the impacted coastal resources; and
 - (3) the correlation between the functional values lost by the coastal resources impacted and the proposed mitigation measure or improvement.
- (d) To the extent feasible and not otherwise addressed by state or federal law, any requirements imposed under (a)(3) of this section for mitigation through on-site or off-site rehabilitation of project impacts shall be established by the coordinating agency at the time of the project's consistency review under 11 AAC 110.
- (e) In applying the mitigation process described in (a)(3) of this section, unless required by a federal agency issuing an authorization identified under 11 AAC 110.400 for the project, the coordinating agency may not require
 - (1) that no net loss of impacted coastal resources occur; or
 - (2) monetary compensation. (Eff. 7/1/2004, Register 170; am 10/29/2004, Register 172)

Base Flood means the flood having one percent chance of being equaled or exceeded in any given year. Also referred to as the 100-year flood.

Coastal Processes are the collective results of physical, oceanographic, and meteorologic influences on the geographic landforms and nearshore waters of the Lake and Peninsula Borough. Coastal processes are also influenced by freshwater discharges from major river drainage systems and suspended sediments transported by rivers to coastal waters. Key features of coastal processes are shoreline erosion and accretion.

Coastal Waters has the same meaning as in state law.

11 AAC 112.990. Definitions. (6) "coastal water" means those waters, adjacent to the shorelines, that contain a measurable quantity or percentage of sea water, including sounds, bays, lagoons, ponds, estuaries, and tidally influenced waters; (Eff. 7/1/2004, Register 170; am 10/29/2004, Register 172)

Consistency means compliance with the standards of the ACMP, including the enforceable policies of this approved coastal plan.

Consistent to the maximum extent practicable means that federal government activities or uses, including development projects affecting the coastal zone of Alaska, are fully consistent with the standards of the ACMP unless compliance would violate another federal law (15 CFR 930.32.(a)).

Cumulative Impacts has the same meaning as in state law.

11 AAC 110.990. Definitions. (a) (19) "cumulative impacts" means reasonably foreseeable effects on a coastal use or resource that result from the incremental impact of an individual project when viewed together with the impacts of past and currently authorized projects; (Eff. 7/1/2004, Register 170)

DEC is the Alaska Department of Environmental Conservation.

DF&G is the Alaska Department of Fish and Game.

Direct and significant impact has the same meaning as in state law.

11 AAC 114.990. Definitions. (13) "direct and significant impact" means an effect of a use, or an activity associated with the use, that will proximately contribute to a material change or alteration of the coastal waters, and in which
(A) the use, or activity associated with the use, would have a net adverse effect on the quality of the resources;
(B) the use, or activity associated with the use, would limit the range of alternative uses of the resources; or
(C) the use would, of itself, constitute a tolerable change or alteration of the resources but which, cumulatively, would have an adverse effect; (Eff. 7/1/2004, Register 170; am 10/29/2004, Register 172)

Development means any man-made change to improved or unimproved lands and coastal waters, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling.

DNR is the Alaska Department of Natural Resources.

Due deference has the same meaning as in state law.

*11 AAC 110.990. Definitions. (a) (25) "due deference" means that deference that is appropriate in the context of
(A) the commentor's expertise or area of responsibility; and
(B) all the evidence available to support any factual assertions of the commentor; (Eff. 7/1/2004, Register 170)*

Environmentally Responsible means consistent with coastal resource protection and performance standards of this plan, and incorporating current best management practices with protection measures commensurate with the values of habitats affected.

Eolian mean applied to deposits arranged by the wind, as the sands and other loose materials along shores, etc.

Estuary has the same meaning as in state law.

11 AAC 11.990 Definitions. (11) "estuary" means a semiclosed coastal body of water that has a free connection with the sea and within which seawater is measurably diluted with freshwater derived from land drainage; (Eff. 7/1/2004, Register 170; am 10/29/2004, Register 172)

Facilities related to commercial fishing and seafood processing has the same meaning as in state law.

11 AAC 114.990. Definitions. (17) "facilities related to commercial fishing and seafood processing" includes hatcheries and related facilities, seafood processing plants and support facilities, marine industrial and commercial facilities, and aquaculture facilities; (Eff. 7/1/2004, Register 170; am 10/29/2004, Register 172)

Feasible and prudent means consistent with sound engineering practice and not causing environmental, social, or economic problems that outweigh the public benefit to be derived from compliance with the standard which is modified by the term "feasible and prudent".

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height, usually one foot, at any point.

Fluted ridge means smooth, gutterlike channels, or deep smooth furrows worn in the face of ridges by glacial action.

Fluvial means of, found in, or produced by a river.

Geomorphology means the study of the formation of 'the earth's topographic features.

Glaciolacustrine means produced by or belonging to glacially formed lakes.

Important fishing areas are areas used consistently over time for commercial, sport, or subsistence fishing. Fishing includes harvesting marine invertebrates and plants.

Important habitats has the same meaning as in state law.

11 AAC 112.300. Habitats. (c) For purposes of this section,
(1) "**important habitat**" means habitats listed in (a)(1) – (8) of this section and other habitats in the coastal area that are
(A) designated under 11 AAC 114.250(h);
(B) identified by the department as a habitat
(i) the use of which has a direct and significant impact on coastal water; and
(ii) that is shown by written scientific evidence to be significantly more productive than adjacent habitat;
or
(C) identified as state game refuges, state game sanctuaries, state range areas, or fish and game critical habitat areas under AS 16.20; (Eff. 7/1/2004, Register 170; am 10/29/2004, Register 172)

Lacustrine means produced by or belonging to lakes.

Local knowledge has the same meaning given in state law except that “generally accepted by the local community” is that body of knowledge that is reflected in local plans, studies, policies and standards.

11 AAC 114.990. Definitions. (22) "**local knowledge**" means a body of knowledge or information about the coastal environment or the human use of that environment, including information passed down through generations, if that information is
(A) derived from experience and observations; and
(B) generally accepted by the local community; (Eff. 7/1/2004, Register 170; am 10/29/2004, Register 172)

Maintain means to provide for continuation of current conditions and functions.

Mariculture is the captive cultivation of plants and animals in marine and estuarine waters for human consumption.

Mean High Water has the same meaning as in state law.

11 AAC 53.900 (14) “mean high water” means the tidal datum plane of the average of all the high tides, as would be established by the National Geodetic Survey, at any place subject to tidal influence; (Eff. 3/27/80, Register 73; am 7/5/2001, Register 159)

Mean Higher High Water is the average of all the daily higher high water recorded over a 19-year period or a computed equivalent period. It is usually associated with a tide exhibiting mixed characteristics.

Mean Lower Low Water has the same meaning as in state law.

11 AAC 53.900 (17) “mean lower low water” means the tidal datum plane of the average of the lower of the two low waters of each day, as would be established by the National Geodetic Survey, at any place subject to tidal influence; (Eff. 3/27/80, Register 73; am 7/5/2001, Register 159)

Minimize has the same meaning as in state law (see Avoid, Minimize and Mitigate).

Mitigate has the same meaning as in state law (see Avoid, minimize and Mitigate).

Natural Hazard is a condition created by a geological process, topography, water drainage, or unique weather condition that presents a significant hazard to life and property. See State Standard.

11 AAC 112.990. Definitions. (15) "natural hazards"

- (A) means the following natural processes or adverse conditions that present a threat to life or property in the coastal area: flooding, earthquakes, active faults, tsunamis, landslides, volcanoes, storm surges, ice formations, snow avalanches, erosion, and beach processes;
- (B) includes other natural processes or adverse conditions designated by the department or by a district in a district plan; (Eff. 7/1/2004, Register 170; am 10/29/2004, Register 172)

One Hundred Year Flood is a flood of a magnitude, which can be expected to occur on an average of once every 100 years. It is possible for this size flood to occur during any year, and possible in successive years. It would have a one percent chance of being equaled or exceeded in any year. Statistical analysis of available stream flow or storm records, or analysis of rainfall or runoff characteristics of the watershed, or topography and storm characteristics are used to determine the extent and depth of the 100-year flood.

OPMP is the Office of Project Management and Permitting with the Department of Natural Resources.

Ordinary high water has the same meaning as in state law.

11 AAC 53.900 (23) “Ordinary high water” means the mark along the bank or shore up to which the presence and action of non-tidal water are so common and usual, and so long continued in all ordinary years, as to leave a natural line impressed on the bank or shore and indicated by erosion, shelving, changes in soil characteristics, destruction of terrestrial vegetation, or other distinctive physical characteristics.; (Eff. 3/27/80, Register 73; am 7/5/2001, Register 159)

Paludal means pertaining to swamps or marshes, and to deposits deposited in a swamp environment.

Practicable has the same meaning as in state law.

11 AAC 112.990. Definitions. (18) "practicable" means feasible in light of overall project purposes after considering cost, existing technology, and logistics of compliance with the standard; (Eff. 7/1/2004, Register 170; am 10/29/2004, Register 172)

Proper and improper uses are the can-do and can't-do uses for the area.

Public need has the same meaning as in state law except that “documented” includes those needs expressed in locally adopted plans, studies, policies and standards.

11 AAC 114.990 (35) "public need" means a documented need of the general public and not that of a private person; (Eff. 7/1/2004, Register 170; am 10/29/2004, Register 172)

Resource agency has the same meaning as in state law.

*Sec. 46.39.010. (2) "resource agency" means
(A) the Department of Environmental Conservation;
(B) the Department of Fish and Game; or
(C) the Department of Natural Resources.*

Saltwater wetlands has the same meaning as in state law. (see also “wetlands”)

11 AAC 112.990. Definitions. (25) "saltwater wetlands" means those coastal areas along sheltered shorelines characterized by halophilic hydrophytes and macroalgae extending from extreme low tide to an area above extreme high tide that is influenced by sea spray or tidally induced water table changes; (Eff. 7/1/2004, Register 170; am 10/29/2004, Register 172)

Shall means mandatory; it requires a course of action or set of conditions to be achieved.

Should states intent for a course of action or set of conditions to be achieved. This implies that case-specific discretion may be applied for achieving the intent of the action.

Significant adverse impact means an impact as indicated in state law by “direct and significant impact”.

Subject uses is a description of the land and water uses and activities which are subject to the district plan.

Subsidence is a lowering in elevation of ground surface due to underground geologic or hydrologic change. It can be a common occurrence in areas susceptible to seismic activity and where excessive water table depletion occurs.

Subsistence Use Areas are coastal habitat areas, used traditionally or occasionally in response to seasonal or cyclic resource abundance, where subsistence harvests of fish, wildlife, and other biological resources are conducted.

Subsistence uses has the same meaning as in state law.

AS 16.05.940 (33) "subsistence uses" means the noncommercial, customary and traditional uses of wild, renewable resources by a resident domiciled in a rural area of the state for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation, for the making and selling of handicraft articles out of nonedible by-products of fish and wildlife resources taken for personal or family consumption, and for the customary trade, barter, or sharing for personal or family consumption; in this paragraph, "family" means persons related by blood, marriage, or adoption, and a person living in the household on a permanent basis; (Eff. ///; Register)

Surface Waters include streams, rivers, ponds, lakes, and contiguous open water wetlands.

Tsunami is a great sea wave produced by submarine earth movements or volcanic eruption.

Uses of state concern has the meaning as in state law.

AS 46.40.210 (12) "uses of state concern" means those land and water uses that would significantly affect the long-term public interest; "uses of state concern" include

- (A) uses of national interest, including the use of resources for the siting of ports and major facilities that contribute to meeting national energy needs, construction and maintenance of navigational facilities and systems, resource development of federal land, and national defense and related security facilities that are dependent upon coastal locations;
- (B) uses of more than local concern, including those land and water uses that confer significant environmental, social, cultural, or economic benefits or burdens beyond a single coastal resource district;
- (C) the siting of major energy facilities, activities pursuant to a state or federal oil and gas lease, or large-scale industrial or commercial development activities that are dependent on a coastal location and that, because of their magnitude or the magnitude of their effect on the economy of the state or the surrounding area, are reasonably likely to present issues of more than local significance;
- (D) facilities serving statewide or interregional transportation and communication needs; and
- (E) uses in areas established as state parks or recreational areas under AS 41.21 or as state game refuges, game sanctuaries, or critical habitat areas under AS 16.20.

Waterbody means any area of surface water with a permanent minimum surface area of 2,500 square feet (see *Anchorage Wetlands Management Plan*).

Water-Dependent has the same meaning as in state law.

11 AAC 112.990. Definitions. (31) "water-dependent" means a use or activity that can be carried out only on, in, or adjacent to a water body because the use requires access to the water body;

(32) "water-related" means a use or activity that is not directly dependent upon access to a water body, but which provides goods or services that are directly associated with water-dependence and which, if not located adjacent to a water body, would result in a public loss of quality in the goods or services offered; (Eff. 7/1/2004, Register 170; am 10/29/2004, Register 172)

Waterfront means the area along the coastline between mean higher high water and mean high sea level.

Water-Related has the same meaning in state law.

Wetlands has the same meaning as in state law.

11 AAC 112.990. Definitions. (33) "wetlands" means saltwater wetlands and those freshwater wetlands that have a direct drainage to coastal waters; (Eff. 7/1/2004, Register 170; am 10/29/2004, Register 172)