
SHORELINES & STREAM CORRIDORS

Goals

RECREATION

Provide opportunities for a variety of recreational activities within publicly owned stream and tideland corridors, including both wilderness and developed recreation activities.

HABITAT

Provide riparian fish and wildlife habitats and harvest.

WATER QUALITY

Protect water quality to support domestic uses, fish and wildlife production, and recreational activities.

PROVIDE FOR WATER-DEPENDENT & WATER-RELATED USES

Provide for needed water-dependent and water-related uses.

Management Guidelines:

Locating Uses; & Establishing Buffers, Easements, & Setbacks

A. PRIORITY OF PUBLIC USES IN STREAM CORRIDORS

As a general rule, DNR will set a higher priority on protecting public use values in stream corridors than on providing opportunities for private ownership of land. However, DNR recognizes the strong demand for property along streams and will provide land for private purchase in some stream corridors. Before lands in stream corridors are disposed of, DNR, in consultation with other affected agencies and the public, will assess existing and projected public use needs associated with the stream corridor. Disposals near streams with important recreation value will be designed to protect access to and along the stream for fishing, hiking, camping, and other recreational activities.

B. RETENTION OF STATE OWNED BUFFERS ADJACENT TO TIDELANDS & IN STREAM CORRIDORS

1. When the management intent for state land adjacent to tidelands or a stream or lake is to permit uses such as fishing, picnicking, hunting, building fires, camping or other similar active uses, public ownership of tideland or stream buffers or tracts will be used rather than easements to provide for these uses.

2. In state subdivisions, when it has been determined that the tideland and stream buffers should be kept in public ownership (see the criteria in the paragraph above), the buffers will either be retained in state ownership or dedicated to the local government. If streams in subdivisions have recreation or habitat values of regional or statewide importance, or are designated anadromous fish waters, buffers will be retained in state ownership and managed to protect public values.

3. Publicly owned buffers or tracts adjacent to tidelands or a stream may be retained along the full length of the stream or tideland or on the segments determined to have high current or future public use and habitat values. In all cases, however, publicly-owned buffers will be retained along the full length of designated anadromous fish waters.

C. RETENTION OF ACCESS EASEMENTS ADJACENT TO TIDELANDS & STREAMS

1. When the primary management intent is to protect the public's right to travel along a stream bank rather than to establish an area the public can use, an easement should be used to protect this right. The public rights reserved in an easement shall be explicitly defined and normally will include only the right of ingress and egress, inclusive of the right to pause briefly to observe wildlife, take photographs, or rest. On an individual basis, the state may reserve other rights (for example, the right to fish or to picnic) as necessary to protect the public interest. The public use rights protected by previously established easements are not affected by this policy.

2. Easements will be reserved for the appropriate access mode. In tideland and stream corridors that are sensitive to vehicular travel, the easements will be reserved for pedestrian access only. The right to travel by all terrain and wheeled vehicles may be allowed in sensitive tideland or stream corridor areas on a case-by-case basis where doing so is in the public interest. Easements should be reserved for roads only if they are likely to be built in the foreseeable future.

3. Easements and publicly owned buffers may be used in combination adjacent to tidelands or on a stream to provide opportunities for private ownership near tidelands or stream while protecting public use access to public waters or habitat values on other portions of the tidelands or stream. Therefore, although easements will not be used adjacent to anadromous streams and should not be used where significant public use is to be encouraged, they may be used adjacent to portions of the tidelands or a stream with important public recreation and habitat values when most land adjacent to the tidelands or the stream is retained for public use.

D. ESTABLISHING WIDTHS OF STATE-OWNED BUFFERS, EASEMENTS & BUILDING SETBACKS ADJACENT TO TIDELANDS & IN STREAM CORRIDORS

1. Widths of publicly-owned buffers or tracts adjacent to tidelands and along streams will vary according to management intent. In addition, the buffer width or tract size for any given segment of tidelands or stream may vary along the tidelands or stream course depending on topography, vegetation and land ownership. Establishing buffer widths or tract size for particular tidelands or streams will be based, at a minimum, on objectives for the following: recreational activities to be accommodated, habitat protection and management, visual quality, water quality, prevention of erosion (in which case the buffer should be widened to compensate), and land disposal.

2. Although buffer and easement widths and tract size may vary among tidelands and streams, a basic level of consistency is needed to avoid confusion about the widths of public use and access areas along the state's many tidelands and streams. The following guidelines are intended to establish a reasonable degree of consistency in buffer and easement widths and tract size.

3. Anadromous fish streams and waters: There will be a fish habitat management zone that is 300 feet wide, as measured from the ordinary high water mark, on each side

of all catalogued anadromous fish streams. Site specific circumstances may sometimes dictate the establishment of a fish habitat management zone that is wider than 300 feet. The primary management objectives for a fish habitat management zone will be to maintain or enhance anadromous fish habitat. Only activities which are or can be made compatible with this objective will be allowed in these zones. DNR will consult with ADF&G before and throughout project planning to determine the appropriateness of a project, appropriate buffers and their width, and the appropriate design and maintenance of projects that meet the objectives of the management zone.

For nonwater dependent uses adjacent to designated anadromous fish waters, there should to the extent feasible be a building setback of not less than 100 feet landward of mean high tide or ordinary high water.

4. Other streams: When it is determined that a state-owned buffer or tract is appropriate, a standard minimum buffer of 200 feet landward from the mean high tide or ordinary high water marks generally should be established. This width may be reduced to a minimum of 100 feet in individual cases when consistent with the management objectives of the tideland or stream corridor.

When it is determined that a public access easement will be reserved on land adjacent to tidelands or a stream, a minimum easement of 50 feet landward from the mean high tide or ordinary high water mark will be reserved.

E. USES ALLOWED IN EASEMENTS, SETBACKS & PUBLICLY OWNED BUFFERS ADJACENT TO WATERBODIES

Water-dependent structures, such as docks and haul-out rails, and other uses, such as commercial and industrial uses, transportation facilities, pipelines, or uses associated with residential areas, may be allowed adjacent to waterbodies if these uses are consistent with the management intent for the easement, setback, or publicly-owned buffer. If a structure will block public access along the shoreline, alternate access will be provided.

Residential structures, fences, or other nonwater-dependent structures that obstruct passage will not be allowed within the fifty-foot-access easement retained above mean high water along the tidelands or ordinary high water along lakes and streams, or within public access/utility easement on individual parcels unless adequate alternative public access can be established.

Management Guidelines: Design of Shoreline Facilities

A. SITING & DESIGN OF BREAKWATERS, JETTIES, CAUSEWAYS, HARBORS, & MARINAS

Breakwaters, Jetties, Causeways, Harbors, and Marinas will, to the extent feasible and prudent, be sited and designed to minimize impacts on longshore transport, circulation, and mixing. The site and design should also optimize flushing to avoid concentration of pollutants.

Harbors, marinas, and launch ramps adjacent to public uplands should be sited where upland demands, such as parking, support facilities, and increased traffic flow can be accommodated.

B. PILINGS PREFERABLE TO FILL

Pilings will, to the extent feasible and prudent, be used instead of fill for all shoreline development. (Shoreline development is defined in Appendix A.) Pilings will, to the extent feasible and prudent, be:

- dug or driven and not jetted
- treated and adequately cured before use; and
- spaced to allow for free flow of tidal currents, longshore currents, and littoral drift.

C. BULKHEAD USE & DESIGN

Bulkheads will be authorized only for the purpose of erosion control or to reduce the size of fills required for water-dependent uses. Where necessary, bulkheads should be designed to do the following:

- facilitate flushing;
- minimize the potential for toe scour, wave energy enhancement, or accelerated erosion;
- allow for outward groundwater flow or runoff; and
- prevent fines from washing away, if fines are included in fill material.

D. FILLING TIDELANDS FOR RESIDENTIAL PURPOSES

Filling state tidelands and submerged lands for residential purposes will not be allowed.

E. PERMANENT FUEL STORAGE

Permanent fuel storage facilities should not be located on docks. Fuel storage structures which are located on state uplands adjacent to tidelands or wetlands will have a physical barrier to prevent the flow of fuel into coastal wetlands and tidelands. This guideline may be waived if solutions are approved by DEC.

F. TEMPORARY BERMS, PADS OR RAMPS

Temporary berms, pads, or ramps constructed of beach gravels and sands should be restored to blend with original contours after the temporary access is no longer required, unless removal or restoration would cause more damage than leaving the berm, pad, or ramp in place.

G. CLEAN-UP BONDS

A site clean-up deposit should be required of tideland facilities that have the potential to create significant impacts if abandoned or improperly cleaned up.

H. OTHER GUIDELINES AFFECTING SHORELINES & STREAM CORRIDORS

Other guidelines will affect state lands along shorelines and in stream corridors. See in particular the following sections of this chapter:

- Coordination and Public Notice
- Fish and Wildlife Habitat and Harvest Areas
- Forestry
- Materials
- Public and Private Access
- Recreation, Tourism, and Scenic Resources
- Subsurface Resources
- Transportation and Utilities