

SHORELANDS, TIDELANDS, AND SUBMERGED LANDS

The State owns the beds of navigable waterways (called shorelands) as defined by federal law. The federal government has made determinations of navigability, prior to federal land conveyances, for thousands of rivers, lakes and streams to determine whether the state or federal government owns the shorelands beneath these waterbodies. The state also makes navigability determinations prior to state land disposal to establish public use easements associated with navigable waters, or for other state interests.

Disputes between the state and federal governments' determinations of navigability and title to shorelands are ultimately determined by the courts. Title navigability determinations have been made for only three waterways in the planning area—Portage Creek, Portage Lake, and Placer Creek. Undoubtedly there are more navigable waterways within the planning area.

The state also owns tidally influenced coastal lands; consisting of “tidelands” and “submerged lands”. Tidelands are defined as lands between mean high water and mean low water. Submerged lands are defined as land from mean low water to a line three miles seaward from mean high water. Effectively the state then owns all of Turnagain Arm from the mean high tide water mark seaward. Mean high tide water mark is determined by survey.

Shorelands, tidelands, and submerged lands are subject to the guidelines in this chapter and to any specific guidelines identified in Chapter 3 for individual waterbodies. Where navigable rivers, lakes, or streams pass through, or are located on, state land, shorelands will be managed consistent with the guidelines in Chapter 3 for the adjacent uplands.



Tidelands along western Turnagain Arm

GOALS

Shorelands, tidelands, and submerged lands will remain in state ownership, be available for multiple use, and remain open to mineral entry (unless specifically closed to mineral entry). In general, they will be managed to protect existing uses, including habitat and harvest, recreation, trail and other transportation uses.

MANAGEMENT GUIDELINES

a. Land Use Authorizations

If DNR issues a land use authorization on shorelands or tidelands, DNR will require applicants to use areas (such as unvegetated gravel bars) that will reduce the likelihood of possible land use disagreements with upland owners. DNR will retain the right to issue a land use authorization over the objection of adjacent landowners.

b. Land Below Ordinary High Water

Since land below ordinary high water floods periodically, DNR's management preference is to deny authorizations for most facilities on land below ordinary high water.

c. Protect Access to Public and Navigable Waters

The state constitution and state law (Title 38) require DNR to ensure that the rights of the public to free access to public and navigable waters are protected.

d. Tideland and Shoreland Uses

Applications for tideland uses where the applicant does not qualify under AS 38.05.075(c), and applications for shoreland uses that require use of private uplands will not be considered until there is a written agreement between the applicant and the upland owner(s) approving the necessary use. The term of the lease should not be longer than the term of agreement between the applicant and the upland owner. If the applicant has not applied for use of the adjacent uplands, the application must show how all necessary associated uses will be accommodated on the shorelands or tidelands.

e. Gravel Extraction

Gravel extraction is allowed when consistent with the policies found in this chapter.

f. Land Use Designations

Shorelands, tidelands and submerged lands not otherwise designated by Chapter 3 of this plan are designated in accordance with the Land Use Summary Chart on page 2-31.

LAND USE SUMMARY CHART

Shorelands, Tidelands, and Submerged Lands

Surface Land Use Designation	Subsurface	Prohibited Surface Use	Comments
Public recreation, Wildlife habitat	Open	Land disposals*	Includes shorelands, tidelands, and submerged lands not otherwise designated by this plan.

*Land disposals are disposals of state land to private ownership as authorized by AS 38.05.057 (disposal of land by lottery), AS 38.08 (homesites), and AS 38.09 (homesteads). For the purposes of this plan, land disposals do not include leasing, and do not preclude transfer of state land to another agency or municipality.