

TIDELANDS, SUBMERGED LANDS AND SHORELANDS

Introduction

This section is for lands below mean high water (tidally influenced areas) and below ordinary high water (non-tidally influenced areas). See the *Shorelines, Stream Corridors, and Wetlands* section of this chapter for lands above water. Also see Figure 1.1 in Chapter 1 that illustrates the difference between shorelands, tidelands, and submerged lands.

Goals

The primary goal for management of tidelands, submerged lands, and shorelands is to:

- provide for needed water-dependent and water-related uses, provide opportunities for a variety of recreational and tourism activities;
- accommodate additional uses such as community support facilities, industrial uses, and uses that provide improved access to adjacent uplands in all ownerships;
- protect fish and wildlife habitat and harvest opportunities;
- protect water quality;
- provide for public access; and
- provide opportunities for access to waterbodies and for upland improvements, while avoiding trespass on private uplands.

Management Guidelines

A. Public Trust Doctrine. For information on the Public Trust Doctrine, see the *Management Intent for Navigable Rivers* section at the end of Chapter 3.

B. Avoiding Conflicts with Adjacent Upland Owners. Before DNR issues a land use authorization on tidelands, submerged lands, or shorelands, DNR will require applicants to use areas that will reduce the likelihood of possible land use disagreements with upland owners (such as unvegetated gravel bars and tidal areas). DNR will carefully consider comments from private landowners and others before making a decision. DNR will retain the right to issue a land use authorization over the objection of adjacent landowners.

C. Written Agreements with Upland Owners. Applications for shoreland, tideland, and submerged land uses that require use of adjacent uplands in non-state ownerships 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 authorization 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, tidelands, or submerged lands.

D. Modification Of Authorizations To Protect Other Resources. Tidelands, submerged lands, or shoreland uses that will result in significant conflicts with habitat, harvest, or historic or archaeological sites should be modified to avoid or mitigate the effects on these resources and uses or be located elsewhere.

E. Tidelands and Submerged Lands Adjacent to National Parks and Refuges. Tidelands and submerged lands adjacent to most of the three National Parks and most of the islands in the Alaska Maritime National Wildlife Refuge have been designated Special Use Lands by this plan. Although this designation provides additional intent for managing these areas, management criteria and allowable activities will be developed through another public process separate from the KAP process. See Appendix D for Special Use Lands information, maps and management intent that apply to Regions 3, 10 and 12 in Chapter 3.

F. Floating Facilities Adjacent to Conservation System Units. See Region 3 and Region 10 in Chapter 3 for specific management intent for floating facilities in Resurrection Bay and along the outer Kenai Peninsula. See also Appendix D.

G. Disposal of Land Under Waterbodies. Tidelands, submerged lands, and shorelands may be made available for lease or less than fee-simple disposal. These lands can also be assigned to other state agencies for management. These lands cannot be sold or conveyed to private entities but can, under certain conditions, be conveyed to municipalities. Under municipal ownership, these lands are still subject to the Public Trust Doctrine.¹²

¹² See the *Management Intent for Navigable Waterbodies* section at the end of Chapter 3 for an explanation of the Public Trust Doctrine.