

## SHORELINES, STREAM CORRIDORS AND WETLANDS

### Introduction

This section addresses lands above mean high water in tidally influenced areas and above ordinary high water in non-tidally influenced areas. See *the Tidelands, Submerged Lands and Shorelands* section of this chapter for guidelines that apply to lands below ordinary high water. Also see Figure 1.1 in Chapter 1 that illustrates the difference between shorelands, tidelands, and submerged lands.

### Goals

**Recreation and Tourism.** Protect and enhance a variety of public recreation and tourism opportunities along waterbodies including both wilderness and developed recreational and tourism activities.

**Scenic Qualities.** Protect the visual quality of waterbodies.

**Habitat.** Protect fish and wildlife habitat along tidelands, lakeshores, stream corridors, and wetlands.

**Access.** Provide public access to and along state-owned waterbodies. Access across streams will be provided on a case-by-case basis.

**Water Quality.** Maintain water quality to achieve and protect state water quality standards, and to protect streambeds and wetlands from degradation. Also, protect watersheds that supply community drinking water.

**Resource and Economic Opportunities.** Contribute positively to other uses of natural resources and economic opportunities.

### Management Guidelines

**A. Retain Public Access Adjacent to Waterbodies.** When transferring land out of state ownership or leasing land, the following guidelines apply.

1. *Public Access Adjacent to Waterbodies.* With few exceptions, some form of legal public access will be reserved in order to protect the public's right to travel to and along the shore of a waterbody without encouraging trespass. Some uses on access routes may be limited on a case-by-case basis. On an individual basis, the state may reserve specific rights (for example, the right to fish or to picnic) as necessary to protect the public interest.

2. *Limiting Access.* In some cases, regulating or limiting access to and along waterbodies will be necessary for other beneficial uses or public purposes. The department will consider such factors as the sensitivity of an area to vehicle damage and threats to public safety when issuing and placing conditions on easements, conveyances, and applications for travel to and along waterbodies. For example, access may be restricted to pedestrian use only on easements along lakeshores in order to minimize risk of damage to riverbanks; or an applicant may have to provide for alternate access route along a shoreline if travel through an industrial development would be a threat to public safety.

**B. Wetlands.** Wetlands perform many important functions on the Kenai Peninsula, including providing habitat values for wildlife, preserving water quality, providing flood protection, and enhancing groundwater recharge. In the Kenai Area Plan, wetlands specifically identified by ADFG as providing important habitat functions were designated Fish and Wildlife Habitat. Areas important as watersheds for communities were designated Watershed Resources. A number of large wetland areas throughout the planning area, however, were not identified as having high values. These wetlands have been designated General Use, because of the absence of documented use by wildlife species that warrant a Fish and Wildlife Habitat designation. Nonetheless, applications or uses in these wetlands will still undergo interagency review. Through this process, additional uses by fish and wildlife may be identified and habitat protection measures can be taken into consideration prior to issuing authorizations.

**C. Upland Owners Authorizations and Conflicts.** See the two guidelines *Avoiding Conflicts with Adjacent Upland Owners* and *Written Agreements with Upland Owners* under the *Tidelands, Submerged Lands and Shorelands* section in this chapter.

**D. Widths of Reserved Public Access, Building Setbacks, and Fish and Bear Habitat Management Zones.** The following table includes requirements for easements, buffers and public access in order to ensure consistency between authorizations along waterbodies. On a case-by-case basis, widths may be wider, in order to accommodate floodplain width, bank characteristics, size of the water body, extent of present or expected future public use, the need for campsites, or other relevant factors.

Widths can be narrower on a case-by-case basis if it is determined that the harm intended to be avoided by the requirement is not likely to occur because of site-specific circumstances. However, the strip of land must be of sufficient width to allow for public access as well as to screen the waterbody from development, where possible, with an undisturbed strip of vegetation. See also the *Riparian Zones* guideline under the *Fish and Wildlife Habitat and Harvest* section in this chapter.

**Table 2.4**  
**Reserved public access, building setbacks, and fish habitat management zones:**  
**Minimum widths adjacent to waterbodies<sup>10</sup>**

<b>Guideline/Description</b>	<b>Minimum Width/Measured from</b>	<b>Where it Applies</b>	<b>Primary Purpose</b>	<b>Guidelines</b>
<b>1. Public access</b> Adjacent to all navigable waters <sup>11</sup>	<b>50 feet</b> * Landward from ordinary high water ** Landward and seaward from mean high water	Along: * Lakes * Streams ** Tidelands	Provide public access along navigable and other waterbodies.	<ul style="list-style-type: none"> <li>Prohibited: Residential structures, fences, and other non-water-dependent structures that will obstruct passage.</li> </ul>
<b>2. Building setback</b> Adjacent to all waters <u>except</u> anadromous and high-value resident fish waters (see guideline 3 below)	<b>50 feet</b> * Landward from ordinary high water ** Landward from mean high water for marine waters	Non-anadromous and non-high -value resident fish: * Lakes * Streams ** Tidelands	Protect public values, including public access, recreation, and water quality along all waterbodies.	<ul style="list-style-type: none"> <li>Where feasible and prudent, and necessary to protect public values along the stream.</li> <li>Does not apply to exceptions listed at bottom of table.</li> </ul>
<b>3. Building setback</b> Adjacent to anadromous and high-value resident fish waters	<b>100 feet</b> * Landward from ordinary high water ** Landward from mean high water	Anadromous and high-value resident fish: * Lakes * Streams ** Tidelands	Protect fish habitat, water quality, and recreation values along anadromous and high-value resident fish.	<ul style="list-style-type: none"> <li>Where feasible and prudent.</li> <li>Applies only to non-water-dependent uses. Does not apply to exceptions listed at bottom of table.</li> <li>The setback shall be vegetated or revegetated to maximize shade on the stream.</li> <li>Incorporate measures to prevent adverse changes including erosion, turbidity, sedimentation, and temperature differences within the waterbody or adjacent wetlands.</li> </ul>

Where widths apply:      \* Freshwater areas                      \*\* Tidally-influenced areas

For the definition of *anadromous waters* and *high-value resident fish waters* (derived from AS 41.17.950) see the *Glossary* in Appendix A. Exceptions that apply to Sections 2 and 3 above: a) Structures such as docks, bridges, and culverts whose purpose is access to or across the stream or lake; b) Uses that must be in or adjacent to the waterbody in order to function, such as placer mining activities, fish culturing, water supply intakes, and similar uses.

<sup>10</sup> Also see the *Management Intent that Applies to Many Units within the Kenai River Drainage* guidelines in Chapter 4, Region 4 for additional management intent that applies to shorelines in the Kenai River drainage.

<sup>11</sup> Other waters may be considered on a case-by-case basis.

**Table 2.4 (Continued)**  
**Reserved public access, building setbacks, and fish habitat management zones:**  
**Minimum widths adjacent to waterbodies**

<b>Guideline/ Description</b>	<b>Minimum Width/Measured from</b>	<b>Where it Applies</b>	<b>Primary Purpose</b>	<b>Guidelines</b>
<b>4. Fish habitat management zone</b> Adjacent to anadromous and high-value resident fish waters	<b>300 feet</b> * Landward from ordinary high water	Anadromous and high-value resident fish: * Streams and lakes	Maintain or enhance anadromous and high-value resident fish habitat.	<ul style="list-style-type: none"> <li>• Sale or conveyance of land is excepted (see sections 5 and 6 “Retention Areas,” below)</li> <li>• Site-specific circumstances may sometimes dictate a fish habitat zone wider than 300 feet.</li> <li>• Forestry activities regulated under the Forest Practices Act are excepted.</li> <li>• Only activities that are or can be made compatible with this objective will be allowed in this zone. DNR will consult with ADFG during project planning to determine the appropriateness of a project and it’s design and proposed operation including buffers, buffer widths, and plans of operation.</li> </ul>
<b>5. Retention areas</b> Adjacent to anadromous and high-value resident fish waters	<b>200 feet</b> * Landward from ordinary high water	Anadromous and high-value resident fish: * Streams and lakes	Maintain or enhance anadromous and high-value resident fish habitat, recreation, and water quality values.	<ul style="list-style-type: none"> <li>• The state will retain these corridors in conveyances to private owners, municipalities, and other entities. Alternately, parcels will be subject to a conservation easement or other management tool that meets the principal purposes of this buffer.</li> </ul>
<b>6 Bear habitat zones</b> Adjacent to streams from mouth up to the upper limits of anadromous fish spawning	<b>375 feet</b> * Landward from ordinary high water	From stream mouth to the upper limits of anadromous fish spawning for streams utilized by brown bears: * Streams and lakes	Maintain or enhance brown bear feeding and travel areas along streams being utilized by brown bears and to avoid disturbance to feeding brown bears.	<ul style="list-style-type: none"> <li>• See “Bear Habitat Management Zones” Guideline below.</li> <li>• Applies to Kenai Peninsula only.</li> <li>• Applies to timber harvest only.</li> </ul>

Where widths apply:      \* Freshwater areas                      \*\* Tidally-influenced areas

**E. Bear Habitat Management Zones.** Under the Forest Resources and Practices Act, harvest of timber may not be undertaken within 100 feet of an anadromous or high value resident fish waterbody. Between 100 and 300 feet from these waterbodies, timber harvest may occur but must be consistent with the maintenance of important fish and wildlife habitat (AS 41.17.118(a)(2)). In addition, in the Kenai Area, between 100 and 375 feet from each side of an anadromous stream to the upstream limit of salmon spawning, timber harvest must be consistent with the maintenance of brown bear habitat. Within this special management zone, timber harvest activities must be designed to maintain or enhance brown bear feeding areas and travel corridors and to avoid disturbance to feeding brown bears. DNR and ADFG will jointly visit the special management zone to design any timber harvest proposed to occur within this zone.