



# PROGRAM EVALUATION DIVISION

## NORTH CAROLINA GENERAL ASSEMBLY

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## North Carolina Does Not Track Lands Submerged under Navigable Rivers or Know the Extent of Private Claims

### Summary

**The General Assembly directed the Program Evaluation Division to study, in conjunction with the Department of Administration, the inventory of all state-owned lands and the issue of public ownership of lands submerged under navigable rivers in the State.** North Carolina gained ownership of lands submerged under navigable waters through the Declaration of Independence and victory in the Revolutionary War. Current state law prohibits the conveyance of title to submerged lands except by an act of the General Assembly, and does not allow for adverse possession of submerged lands. However, the State may have conveyed certain lands submerged under navigable rivers to private owners in the past.

**The Department of Administration (DOA) is charged with managing and controlling the State's submerged lands, but its overall management approach is largely passive.** DOA operates under the assumption that all lands beneath navigable rivers are sovereign lands of the State. Whereas DOA grants and tracks certain types of easements, it does not require easements for many structures built on lands submerged under navigable rivers for which it has the authority. In addition, DOA does not exercise its authority to lease or convey mineral deposits for most mining that takes place on riverbeds.

**North Carolina does not have a comprehensive inventory of lands submerged under navigable rivers, so the extent to which private parties may hold title to these lands is unknown.** Ten of the 12 other original colony states do not track ownership of their submerged lands. Those that do track ownership only track coastal or tidally influenced submerged lands. Between 1985 and 2004, North Carolina administered a process to resolve and map all private claims to submerged lands in 25 coastal counties at a cost of more than \$4.1 million to operate the office. The State has not conducted a comparable process for lands submerged under navigable rivers in the remaining 75 counties.

**To more actively manage the use of lands submerged under navigable rivers in the future and protect its ownership interest, the General Assembly could consider**

- requiring DOA to improve its management and tracking of all submerged lands; and
- using the coastal submerged lands claims process as a model to resolve private ownership claims to lands submerged under navigable rivers in the remaining 75 counties.