

GLOSSARY

NOTE: Terms and definitions used herein are for purposes of this volume only. Identical terms within the footnotes of this volume have the meaning and definitions attached to them in accordance with that State's law. The meaning and use of the following terms may differ under the various State and Federal laws. Practitioners are advised to always refer to the appropriate State or Federal definitions.

Accretion: The gradual and imperceptible accumulation of alluvion (soil) by natural causes. This may result from a deposit of alluvion upon the shore, or by a recession of the water from the shore. Accretion is the act, while alluvion is the deposit itself.

Avulsion: The loss of lands bordering on the seashore by sudden or violent action of the elements, perceptible while in progress; a sudden and rapid change in the course and channel of a boundary river.

Bottom lands: Land below navigable freshwater bodies.

Dry sand beach: Sandy area between the mean high tide line and the vegetation line.

Erosion: The gradual and imperceptible washing away of the land by natural causes.

Foreshore: The strip of land between the ordinary high and low water marks that is alternately covered and uncovered by the flow of the tide. Often used synonymously with "wet sand beach".

Freshwaters: Waters that do not ebb and flow with the tide. The determinative factor is that the water body does not ebb and flow with the tide, not the salt content of the water.

Jus privatum: The proprietary rights in the use and possession of land beneath tidal waters and navigable freshwaters. The *jus privatum* interest is often held by the State in tandem with the *jus publicum* interest, but may be conveyed in the form of title ownership or lessor freehold to a private individual or entity.

Jus publicum: The Collective rights of the public to fully use and enjoy trust lands and waters for commerce, navigation, fishing, bathing and other related public purposes. A State cannot convey the *jus publicum* interest into private ownership, nor can it abdicate its trust responsibilities.

Littoral: Associated with or appurtenant to shorelands of tidal waters. As used herein, the term "littoral" is included in the term "riparian." These two terms are often used synonymously.

Mean high tide: The mean average of all the high tides (high high tides and low high tides occurring over a certain period of time, usually 18.6 years (one lunar epoch).

Mean low tide: The mean average of all the low tides (high low tides and low low tides) occurring over a certain period of time, usually 18.6 years (one lunar epoch).

Ordinary high water mark: The line to which high water normally reaches under natural conditions, but not including floods, storms, or severe meteorologically conditions.

Ordinary low water mark: The line to which low water normally reaches under normal conditions, but not including droughts or severe meteorological conditions.

Prima facie public trust lands: Lands that appear to be subject to the Public Trust Doctrine in that they lay beneath tidal or navigable-in-fact waters below the ordinary high water mark.

Public trust servitude: The bundle of rights held by the public to use and enjoy privately held trust lands for certain public purposes. The burden on the subordinate *jus privatum* owner by the dominant *jus publicum* interest of the public.

Reliction: A leaving dry of dry land from recession of the sea or other water. Land uncovered by such recession.

Riparian: Associated with or appurtenant to shorelands of non-tidal waters. As used herein, the term "riparian" includes the term "littoral" These two terms are often used synonymously.

Riparian rights: The rights of an owner of land contiguous to a navigable body of water including principally the right of access to the water, the right to accretion and reliction and the right to other improvements.

Shorelands: General term including tidelands and navigable freshwater shores below, the ordinary high water mark.

Submerged land: Land lying below tidal waters, seaward of the ordinary low water mark, including bays, inlets and other arms of the sea, out to the seaward boundary of the State.

Tideland: Land that is covered and uncovered by the daily rise and fall of the ordinary tides; the zone between the "ordinary high water mark" and the "ordinary low water mark."

Tidewaters: Waters that markedly and regularly ebb and flow in response to the gravitational forces of the moon and sun.

Upland: Land lying above the "ordinary high water mark."

Wet sand beach: Area between the ordinary high tide and the ordinary low tide lines.