

Docks and Associated Mooring Structures

What is the Issue?

A dock, pier or wharf, and other associated mooring structures like boat lifts, swimming rafts, and offshore mooring anchors and buoys are desired by many lake residents for recreational activities such as boating, water skiing, and fishing. Where demand for boat mooring is high, conflicts between users can occur over the placement of mooring structures. Councillors should become familiar with federal and provincial regulations regarding these structures so that they can assist residents, if the need arises.

Building a dock can also stress the very sensitive shoreline environment. Our actions can easily disrupt the ecological balance of this area, and negatively affect the plants and animals that live here, and the water quality of the lake. We should try to minimize our impact by planning dock-building projects so that they do the least damage to the environment.



Photo credit: Gerry Haekel

Background

Residents with lakefront property, whose properties extend to the bank of the lake, have a common-law, but non-exclusive right to access the water and to place a pier onto the lakebed. The pier must be placed in front of their property. This right may be subject to other regulatory requirements (see **What Does the Law Say?** section below).

Residents who own a back lot or those who own property where a Reserve parcel of land exists between their property and the lake may also wish to place a mooring structure on the lake. Provincial policy allows this, provided the use is reasonable and the user has legal access to the lake.

Reasonable use is the governing principle. The Public Lands and Forests Division normally does not get involved in mediating disputes between neighbours involving the placement of seasonal mooring structures.

What Does the Law Say?

Regulations for Temporary Structures

An approval is normally required under the *Public Lands Act* to place a structure on public lakeshores. However, the Public Lands and Forests Division currently provides an exemption by policy, allowing individuals to place a single dock/pier on the bed of a lake, **without a permit**, according to the following guidelines:

- The pier, dock or boatlift is temporary (**seasonal**), meaning it is removed completely from the lake at the end of the open water season.
- The structure is for non-commercial use.
- The structure allows the free flow of water under it.
- The structure respects the rights of neighbouring residents, and does not interfere with the general public's right of access along the shore of the lake.

The exceptions to this are when:

- An environmentally sensitive area or a management concern is identified by the provincial or federal government, and restrictions have been established.
- Where a local municipal development plan, a lake management plan, or water management plan limits or restricts such uses.
- Where the proposed structure's design may interfere with the normal flow of water or is likely to increase the probability of bank or shoreline erosion.
- Where such structures may adversely block public access along the bed and shore of the lake.

Regulations for Permanent Structures

Development of permanent structures, open water marinas and mooring fields require formal authorization. Approvals for permanent mooring structures on lakebeds are not issued to individuals. Occasionally they are issued in support of commercial enterprises or to other levels of government.

Penalties

The penalty for unauthorized occupation of public land under the *Public Lands Act* is \$5000 for each day of contravention (at the time of this writing). The responsible party may also be required to remove the works and rehabilitate the area. If the Public Lands and Forests Division investigation suspects possible damage to the fisheries resources, an investigation may be launched under the federal *Fisheries Act*. The penalty for harmful alteration, disruption or destruction of fish habitat is substantial, as much as \$500,000 for a first time, indictable offence.

The Public Lands and Forests Division is currently updating its boat mooring (pier and marina) policy and will be consulting with municipalities for comment in 2006.

What Should I Do?

Summer Village councillors should be aware if there are any “restricted development/ activity” areas within the village, and where they are located. They can get this information from the local Public Lands and Forests Division office.

If a Summer Village resident, without lakefront property, wishes to place a boat dock in the lake for seasonal use, help them determine where they may have legal access to the lake, if there are any bylaws in place governing the placement and use of mooring structures in the Summer Village, and if a permit is required.

Developing a Community Dock

If there is insufficient mooring or access to mooring in the lake adjacent to the Summer Village, the municipality could consider development of a community dock, mooring field or marina. A multi-slip community dock could be funded and managed as a partnership between residents and the Summer Village administration.

Development of open water marinas and mooring fields require formal authorization, and usually require some form of public consultation before an approval can be issued. Therefore, it is important for developers to seek prior approval to ensure the development’s impact is minimal, both environmentally and socially (e.g., works do not interfere with neighbouring property owner’s enjoyment of the lake).

If There is a Complaint

If you observe someone constructing a permanent mooring structure or it is brought to your attention, you should contact the local Public Lands and Forests Division office and check the Summer Village records to see if the developer has approval to build the mooring structure.

If there is no permit, or if the work appears to be done in a questionable manner, you should be prepared to provide the authorities with key information to help them launch an investigation. This would include your contact information, location of the work, who observed the work and when, and, if possible, a photograph(s) of the work in progress.

Who Can I Contact?

For more information on how and where docks and other mooring structures can be placed, contact:

- The regional office of Public Lands and Forests Division.

Are There Any Resources Available?

- For information on activities affecting the bed and shore of lakes go to:
http://www3.gov.ab.ca/srd/land/u_shorelands.html
http://www3.gov.ab.ca/srd/land/u_shorelands_app_reg.html
- **Guidelines for Lakeshore Use** (Booklet)
<http://www3.gov.ab.ca/srd/land/pdf/lakeshore.pdf>
- Fisheries and Oceans Canada has resources available on their web-site:
www.dfo-mpo.gc.ca/canwaters-eauxcan/infocentre/guidelines-conseils/index_e.asp
- **Working Around Water? What You Should Know About Fish Habitat And Docks, Boathouses And Boat Launches** (Fact Sheet)
http://www.dfo-mpo.gc.ca/canwaters-eauxcan/infocentre/guidelines-conseils/factsheets-feuillets/alberta/ab2_e.asp
- **The Dock Primer – Prairies Edition, A Cottager's Guide to Waterfront Friendly Docks** (Booklet)
http://www.dfo-mpo.gc.ca/regions/central/pub/dock-quais/index_e.htm