

Public Lands Act and Water Act: Shoreline/Water Body Modifications Facts at Your Fingertips

This fact sheet provides information on the requirements under the *Public Lands Act* and *Water Act* prior to undertaking shoreline modifications.

- [Public Lands Act](#)
- [Water Act](#)

Legislative Requirements

Several legislative requirements apply to making changes to the bed and/or shore of any water body, or an area below the high water mark, of natural water bodies. A disposition under the *Public Lands Act* along with a *Water Act* approval is generally required prior to commencing any work within the bed and shore or within a water body.

Activities that require a disposition under the *Public Lands Act* and approval under the *Water Act* include, but are not limited to:

- Beach construction and maintenance
- Erosion protection or bank stabilization
- Permanent boat launches and marinas

A joint application for a shoreline modification project is required to be submitted electronically through Electronic Disposition System (EDS) in order to obtain authorization under both the *Water Act* and *Public Lands Act*. Applicants are required to submit their joint application electronically through the EDS.

- [Electronic Disposition System](#)

Work in or near water bodies may also require authorization or consideration of:

- Conservation and reclamation under the:
 - [Environmental Protection and Enhancement Act](#)
- The local municipality under the:
 - [Municipal Government Act](#)
- Federal legislation, including:
 - [Fisheries Act](#)
 - [Migratory Birds Convention Act](#)
 - [Navigation Protection Act](#)

Modifications to shorelines can result in the direct or indirect loss of valuable fish and wildlife habitat. They also have the potential to prevent public access along a shoreline. Poorly designed or constructed modifications can contribute to shoreline erosion problems.

Water Act Exemptions

Activities that are exempt under the Water (Ministerial) Regulations from the requirement for approval under the *Water Act* include:

- Seasonal piers and seasonal docks
- Fences
- Portable pump and supply line

Recommendations

Alberta Environment and Parks (AEP) recommends using "softer" approaches for your shoreline protection. These methods can be more cost efficient (having lower maintenance costs), are more durable and resilient,

aesthetically pleasing, and environmentally friendly to the commonly used "hard" or structural methods. Prior to submitting an application, proposed preventive measures may be discussed with regional department staff to determine what authorizations are required.

To learn more about the preservation and restoration of the natural state of Alberta's lakes and shore lands, visit our website:

- [Lakeshores](#)

Application Requirements

To be considered complete, an application must include the following information requirements:

- (a) A sketch plan of the proposed activity that meets the Content requirements for Disposition Plans.
 - [Survey/Sketch Plans](#)
- (b) A location plan must show:
 - (i) Proposed works in relation to property lines
 - (ii) If applicable, any municipal reserve lands between the applicants property and the water body
 - (iii) Location of proposed works and the present, highest, and lowest known water levels
 - (iv) If applicable, dimensions of the site (e.g. outer boundary of the area required to enclose the installation)
 - (v) Minimum plan size 21.5 cm x 28 cm
- (c) Cross sections must show:
 - (i) Existing conditions and proposed modifications
 - (ii) Relevant measurements
 - (iii) Minimum plan size 21.5 cm x 28 cm
- (d) A letter stating:
 - (i) What the proposal is
 - (ii) Why it needs to be done
- (e) If available, a photograph, or copy of a photograph, showing the existing shoreline

Note: A development permit may be required from the local authority where the proposed activity may involve the use of Municipal Reserve lands.

For more complex proposals (i.e. erosion protection works) we may request a report to address engineering details. Issues outlined in the *Administrative Guide for Approvals to Protect Surface Water Bodies under the Water Act* must also be addressed.

- [Administrative Guide for Approvals to Protect Surface Water Bodies Under the Water Act](#)

Application for proposals that involve high environmental risks may require a detail study of the environmental impacts resulting from the proposed project. The report, depending on the nature of the environmental issues, must be prepared and signed off by a subject matter expert(s) in that area of concern.

A public notice of the application will likely be required and the concerns of people affected by the project must be addressed.

Enforcement

Under the *Water Act*, anyone who conducts an activity in a water body without an AEP approval, or diverts water without a licence, may face enforcement action with a fine up to \$50,000 for an individual, and \$500,000 for a company or organization.

Enforcement actions under the *Public Lands Act* can also result in financial penalties. Administrative penalties range from \$250 to \$5,000 for a contravention (and each day the contravention continues). Penalties for offences under the Act can result in fines ranging from \$25,000 - \$100,000 for an individual, and \$100,000 - \$1,000,000 for a corporation.