

Docks, Mooring Structures and the Disturbance Standard

2023 Alberta Lake Management Society Annual Conference

Gerry Haekel, Senior Policy Analyst
Alberta Environment and Protected Areas
September 13, 2023

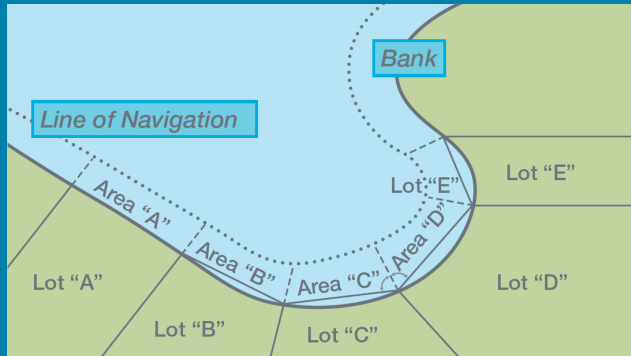
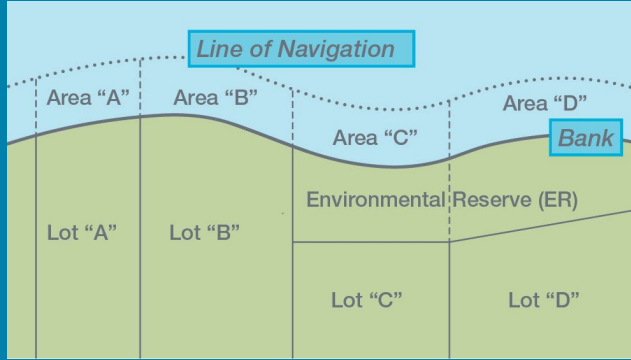
What does Mooring Disturbance Standard (DS) do?

- Reduces proliferation of docks in Alberta waters by:
 - Defining who can place a dock/mooring structures out under the standard.
 - Establishing a standard for dock and associated structures including boat lifts, swim platforms, and mooring anchors and buoys.
- Creates a general permission if the standard is followed.
 - The disturbance standard is the authorization!
- Reduces the number of people/groups who will need to apply for permission to install mooring structures in bed and shore.

Who can put a dock out under general permission?

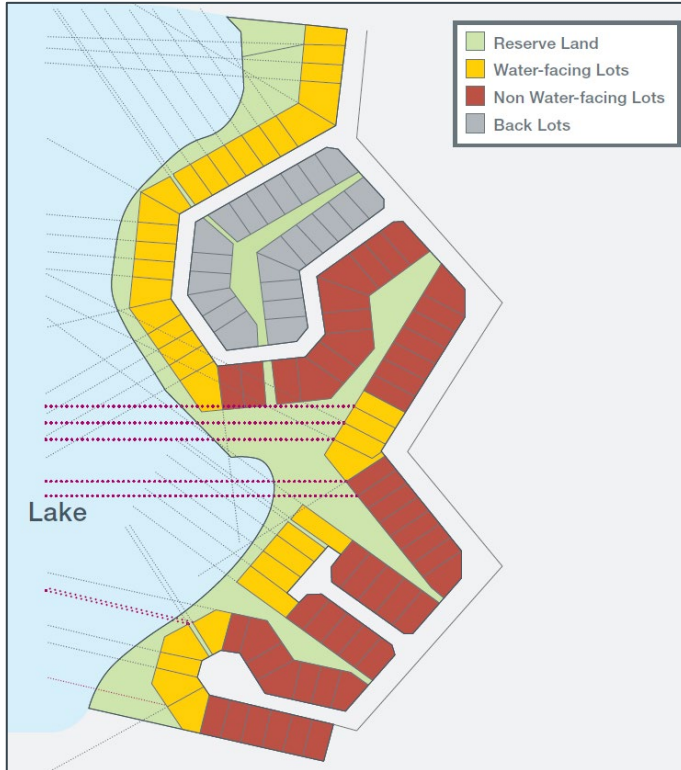
- Waterfront land holder (property shares boundary with lake)
 - Municipal waterfront land owner as owner of ER
- Semi-waterfront land holder (property shares boundary with ER)
- NOT applicable to a back lot owner
 - Difficult to define
 - Do not have direct access to a waterbody
- Options are available for back lot owners:
 - Sharing arrangements allowed with waterfront or semi-waterfront
 - Obtain a specific authorization for placement of docks with consent
 - Community docks

Defines a mooring area for dock use



- Each waterfront and semi-waterfront parcel has a mooring area established within which a dock may be placed.
- Established by projecting lot lines out to Line of Navigation (1.5m water depth)
- Where this method does not work, alternate methods may be proposed (e.g. cluster lot development)
- This is NOT a private allocation of part of the lake – NO property right created!

Mooring Disturbance Standard and unique circumstances



- Clustered lots in subdivision
 - All lots bounded by reserve
 - Crossing projected lines
 - Not all semi-waterfronts can establish a mooring area
- Docks may be shared
- Municipality may:
 1. obtain a disposition from Crown along frontage and manage moorage outside of DS
 2. use consent requirement and manage who places docks out.

Aquatic Vegetation Control

DS speaks to removing aquatic vegetation for two reasons:

1. To allow control/eradication of aquatic invasive plants
 - No restrictions, except contact Fish and Wildlife
2. Incidental to a permitted (mooring) activity
 - Single lane, 4m wide max
 - Same location every year
 - One cut only between July 15 and September 15
 - Mechanical means no greater than
 - 1m below water surface



Consent Requirements for Non-waterfront Dock Users

- Waterfront parcel has common law riparian right-of-access across entire frontage that cannot be obstructed (even by Crown as owner of lake bed).
- Municipal reserves next to water body are riparian and as owners must consent prior to any obstruction to access.
 - Generally not for semi-waterfronts as the environmental reserve (ER) already provides for access, BUT a municipality may have its own rules for ER use and permission requirements for dock placement in front of ER.
- Crown assumes all semi-waterfronts are using mooring area in front of properties.
- Crown will not issue an authorization for a dock unless there is a consent of the riparian owner for someone not semi-waterfront.

What mooring activities do still require authorization or disposition?

- Any activity not specifically covered by the DS
 - Waterfront and semi-waterfront lot owners, whose dock does not meet the DS criteria
 - Shared dock
 - Multi-user and community dock
 - Back lot owned dock
 - Additional docks in a large mooring area
 - Vegetation removal, beyond the scope in the DS
 - Mooring anchors and buoys, beyond the scope of the DS
 - Permanent structures
 - Commercial activities
 - Reservoirs – many are Operations and Infrastructure branch responsibility
 - Sanctuary under Section 3(qq) of the Wildlife Regulation

Common early Implementation Questions



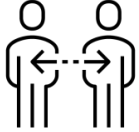
- Where the Disturbance Standard can be applied
 - Applies in the majority of dock situations however, lakes wholly defined as a wildlife sanctuary (e.g. Lac La Biche) are outside of Mooring DS. All docks on these lakes require authorization



- Conditions of the Disturbance Standard
 - Use of projected lot lines
 - Traditional docks may require modification to align with disturbance standard (2026)



- Consent process
 - Communicating on municipal role in providing consent



- Road allowances and dock placement
 - Road allowances are potential locations for future community docks or launch areas. Consider this before providing consents.



Questions?

