

Riparian Rights and Shoreline Modifications

FACTS AT YOUR FINGERTIPS

Riparian Rights - Accretion and Erosion

Water levels naturally rise and fall in lakes across Alberta. For a lakefront landowner this can result in a decrease in property by the washing away of soil (erosion) or an increase in property by the permanent recession of a lake or by the deposit of sediment attaching to the property (accretion).

Lakefront landowners who own land directly bounded by a natural watercourse or waterbody have a legal "**riparian right**" to add any new land that may accrete to their property.

Where accretion has occurred and the landowner wishes to add the land to their land title, the landowner must apply to the **Registrar of Land Titles** to amend the property description on title to reflect the current location of the natural boundary. Evidence of the boundary change must be provided, the land must be legally surveyed, and consent must be given by any landowners who may be adversely affected by an amendment, including the person who owns the adjoining lake.

The riparian right to accrete is often misinterpreted as "I own the property to the water's edge". The vast majority of lakefront property owners in Alberta do not own the land right to the water's edge. In fact, even if a municipal or provincial agency doesn't separate the land from the lake, the most lakeward part of your property is usually the legal bank of the waterbody. The land title and survey plan will state the extent of the property and its boundary.

Very few exceptions exist. The only way a landowner owns to the water's edge is if the land title document makes it clear that the landowner owns to the water's edge.

Boundary between Crown-owned and Private Land

The line that separates the Crown-owned bed and shore of a water body from the adjacent private land is called the legal bank (defined in the *Surveys Act*). Its location is synonymous with what is commonly known as the ordinary high water mark.

In most cases, it is a distinct line formed by the normal, long-continued action or presence of surface water along the land at the edge of the lake (not affected by occasional periods of drought or flooding). See below diagram.

It is the responsibility of a landowner to know where his/her property boundaries are. If the current location of a property boundary next to a water body needs to be established, the services of an Alberta Land surveyor should be sought.

Shoreline Work/Activities

Notwithstanding the riparian right to accretion or to accrete to the shore, the use of shorelands is governed by provincial and federal laws. Before starting any project that might alter the shoreline of a water body, you must contact **Alberta Environment, Alberta Sustainable Resource Development, and Fisheries and Oceans Canada** for the appropriate approvals.

Additional authorization may be required from your local municipality, county, and/or other federal and provincial regulators.

Enforcement

Modifying a shoreline without appropriate approval is subject to enforcement action and provincial fines of up to \$50,000 for an individual or \$500,000 for a company or organization. Other regulator penalties may apply.

If you observe shoreline activity or water-related activity that seems questionable, contact the Alberta Environment hotline at **1-800-222-6514**.

The riparian right to accretion does not mean "I own the property right to the water's edge"

Contact the appropriate regulators before starting any project that might alter the shoreline of a waterbody

