ENVIRONMENT AND PARKS

User guide for dock authorizations





User Guide For Dock Authorizations

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Revision History

Date	Author	Division and/or Branch	Description
May 21, 2019	Gerry Haekel	Policy /Operations Division, Provincial Programs Branch	New User Guide created to align with the authorization requirements and application form.
April 29, 2020	Gerry Haekel	Lands Division, Land Policy and Programs	Updated links and references.
April 16, 2021	Gerry Haekel	Lands Division, Public Land Policy Branch	Retitled. Updated guide to align with new template and new Mooring Disturbance Standard.

1.0 Preface

This guide outlines the requirements and process for any individual who cannot meet the standards described in the Mooring Disturbance Standard for the purpose of obtaining an authorization to place a temporary, seasonal dock for personal recreational use in Alberta's waterbodies.

In Alberta, the beds and shores of natural water bodies such as rivers and lakes are public lands and subject to the *Public Lands Act* and the Public Lands Administration Regulation (PLAR). The placement of mooring structures on public land therefore falls under the scope of the Act and the Regulation.

This guide provides direction for the following dock related activities:

- Authorization requirements for temporary, seasonal docks and boat lifts for personal recreational use that do not meet the standards within the Mooring Disturbance Standard;
- Fees, if any;
- The process for making an application for a dock authorization;
- When to apply and expected time to receive an authorization;
- Use of anchors for associated mooring structures like swim rafts and buoys; and
- Information regarding existing docks.

2.0 Approval Requirements for Mooring Structures

Mooring structures include seasonal docks, piers, wharves as well as associated structures placed on the bed and shore of a water body such as boat lifts and anchored swimming platforms and buoys.

The occupation of public land (including the beds and shores of a waterbody) for more than 14 days, requires authorization under section 20(1) of the *Public Lands Act*. The placement of a dock or other structure on a lake or river bed over the summer recreational season therefore requires the user to obtain an authorization for their dock.

There are two ways in which temporary, seasonal docks for recreational use are authorized:

- 1) through the General Permission created under the Mooring Disturbance Standard; or
- 2) through a specific authorization issued under the Act.

When the conditions and requirements of the Disturbance Standard cannot be met, a **Temporary Field Authorization** (TFA) is the mechanism that the department will issue to authorize temporary, seasonal docks.

3.0 Common Dock Standard

Alberta Environment and Parks has established a common standard for docks occupying public land that are for temporary, seasonal use for personal recreational purposes.

3.1 Common Terms

The "dock" or "wharf" means the entire mooring structure and includes the walkway and terminal platform.

The "walkway" is that part of the dock made of various sections that lead from the shore to the platform area where watercraft are moored. In many cases, a dock may consist only of a walkway (a straight dock).

The '**terminal platform**" is that part of a dock at the end of the walkway where additional dock sections or slips are installed in various forms, often in "T", "L" or "U" shaped configurations. In some configurations, dock sections are arranged to create multiple slips or are placed side by side to form a larger extended surface area.



3.2 Dock Standard

The Disturbance Standard establishes the permitted footprint for a dock and the conditions for its placement on public land (see the Disturbance Standard for details). A summary of the common standard for temporary seasonal docks under the general permission, is as follows:

- No more than one temporary seasonal dock for personal recreational use may be constructed or placed within the defined mooring area (Note: more than one dock may be allowed if the lot width is sufficient to allow a 6m separation between all dock structures while maintaining setbacks, and an authorization has been issued for it);
- Docks cannot extend beyond Line of Navigation (1.5 m or 5 foot water depth);
- A dock must be setback from a projected property line a minimum of 3.0 m;
- Docks are not to be located any closer than 6 m from another dock;
- The purpose of the temporary seasonal dock is to only support mooring for personal recreational use;

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Classification: Public

- The following dimensions apply for recreational seasonal docks:
 - The dock's walkway is not to exceed 1.5m in width;
 - The dock in any configuration including associated boat lifts, is not to exceed 50% of the lot width;
 - A dock cannot totally enclose any portion of a Crown owned body of water;
 - If the water body is a river, a seasonal, temporary dock is not to extend out into the river more than 10% of the width of the river;
- A dock is to be maintained in a safe operating condition;
- Installation of a dock is not to involve the modification to the bed or bank of the water body;
- A dock must not unreasonably obstruct navigation or otherwise interfere with public rights in navigable waters. Reasonable space should be provided in mooring areas to allow navigation freely between moored watercraft;
- A dock must not interfere with the ability of other waterfront holders right of ingress and egress;
- A dock must not obstruct public access along the shore;
- A dock must not interrupt the free movement of water nor cause the formation of land by deposition of sediment by littoral drift upon the bed of a Crown owned body of water;
- A dock cannot include fixed structures or fuel storage;
- No more than one swimming platform is allowed. It must be placed so that it does not interfere with navigation and its size cannot exceed 10 m². It may not be used for mooring purposes;
- All buoys are to meet the provisions and requirements of the federal **Private Buoy** Regulations established under the authority of the *Canada Shipping Act (Canada)* and administered by Transport Canada as well as the standards and guidelines as set out in the **Canadian Aids to Navigation System (TP 968)**;
- Docks and associated structures, including anchors for buoys, must be constructed of non-toxic materials; and
- The dock and all associated structures including anchors must be removed at the end of the boating season and stored off of crown land and above the bank.

Docks that exceed the standard must be authorized and may have additional approval requirements by other regulatory agencies such as Transport Canada (Navigation Protection Program) if they cannot meet the Minor Works Order requirements.

4.0 Applying for an Authorization for your Temporary, Seasonal Dock for Personal Recreational Use

There is no general expectation that every Albertan should be able to place a dock on a lake or river for recreational purposes. This includes the general public and back-lot owners in multi-lot lake subdivisions and strata properties.

4.1 Who Needs to Apply?

Although there are no lawful restrictions on who can make an application for the use of public land, there are practical considerations for who can make an application to place a dock onto the bed and shore of a lake or river as follows:

- 1) A waterfront or semi waterfront property holder with an existing dock that does meet the Disturbance Standard;
- 2) A new dock that exceeds the standards within the Mooring Disturbance Standard;
- 3) Any person who is not a waterfront or semi-waterfront dock owner.
- 4) A municipality or Community Group planning to install a multi-user dock for community use. Some multi-user dock systems may require a formal disposition if they have more than 10 slips or boat lifts.

Note:

- The applicant needs to have legal access to the waterbody and to the bed and shore upon which a dock is to be placed.
- Waterfront landowners have common law rights that allow them to access the lake (and access their property from the lake) across their entire frontage. This is generally not interfered with, especially if an application is made by a non-waterfront property holder.
- Non-waterfront property holders need the written consent of the waterfront property holder before a non-waterfront holder is authorized to place a dock in the lake or river. This includes a semi-waterfront landowner whose dock cannot meet the standard.
- There may be municipal land use zoning and bylaws that apply or restrict this activity.

- There may be federal regulations that apply (e.g. Minor Works Order under the Canadian Navigation Protection Act)¹.
- Where provincial Parks border a lake but do not include the lake, docks may or may not be aligned with or consistent with the management intent of the Park. An applicant is required to provide written consent of the Park prior to AEP authorizing a dock in front of a Park.

4.2 Who is a Waterfront Land Owner and Who is Not?

A waterfront landowner is a land owner or lease holder whose land parcel shares a property boundary directly with the lake or river. In multi-lot lake subdivisions, the waterfront property may be a private lot, municipal reserve, environmental reserve or road. In such instances, the local municipality is the waterfront land owner.

Properties that abut or share a property boundary with a municipal reserve or are separated from the waterbody by another parcel of land, are also not waterfront properties. These are referred to as semi-waterfront properties as they typically have direct access through such land parcels.



Each multi-lot subdivision is unique and there may be a variety of lot arrangements that govern who is waterfront, semiwaterfront or backlot. Applicants are advised to review the registered subdivision plan for their community.

Some subdivision designs and the arrangement of lots within them may make application of the disturbance standard difficult.

¹ Minor Works and Waters (Navigable Waters Protection Act) Order. See <u>https://tc.canada.ca/en/marine/department-transport-navigable-waters-</u> protection-act



Several issues may occur where an entire frontage consists of municipally owned Environmental Reserve and lots backing them are arranged into clusters:

- Not all the semi-waterfront lots are directly facing the water
- Not all the lots can form mooring areas when their side lot boundaries are projected into the water
- Projected lot lines will cross before a defined mooring area can be created
- Projected lot lines overlap and occupy the same mooring area already created

In such circumstances, it is recommended that property owners work with the local municipality to develop a mooring plan for dock placement that Environment and Parks can approve. Such a plan can accommodate a combination of private and shared docks, and community docks.



4.3 Preparing to Apply

The following will be required to be completed before you make your application to the department.

4.3.1 Obtain a Client ID from Alberta Energy

Before the department can accept an application for the use of public land, the applicant must obtain a Client ID. The Client ID is how Environment and Parks associates an applicant with services provided by the Department.

The application is available from AEP's Forms page at <u>https://www.alberta.ca/alberta-environment-and-parks-land-forms.aspx#jumplinks-11</u> or directly on-line at <u>https://www.alberta.ca/assets/documents/ep-application-client-id.docx</u>. The form is to be submitted via the <u>crownlanddatasupport@gov.ab.ca</u> mailbox.

Once the Client ID is received, save this number for future reference as it will be required information for the application form, and any other future *Public Lands Act* approvals.

4.3.2 Obtain Written Consent (if required)

If you as an applicant are not the owner of the waterfront land parcel, the department will then require the applicant to obtain the written consent of the waterfront landowner or holder before the application will be considered for approval. You will need to attach this consent to your application.

A waterfront land parcel is one where the private landowner's property boundary is shared directly with the lake, or is the municipality, which owns a Reserve parcel between the lake and another landward property.

4.4 The Application Form

A specific TFA application form has been developed for temporary, seasonal docks for personal recreational use.

A copy of this application can be found in Appendix 1 and online on the following Environment and Parks webpages:

- Lakeshores: <u>https://www.alberta.ca/lakeshores.aspx</u>
- Alberta Environment and Parks land forms (Water Bed & Shore): <u>https://www.alberta.ca/alberta-environment-and-parks-land-forms.aspx#toc-15</u>

4.4.1 Applicant Information

Section 1.0 of the application form requires you to provide your Client ID and your formal contact information. This is how Environment and Parks will correspond back to you.

If you are an employee of the Government of Alberta or member of the Legislature, additional rules may apply before you can make an application for an authorization.

4.4.2 What you are Applying For?

Section 2.0 of the application form allows the applicant to identify what mooring structures require authorization.

This section also determines if your mooring structure will be considered a commercial enterprise. If you charge a fee for someone to use your dock or mooring area for profit, then the department considers that a commercial purpose and the dock or mooring are excluded from the provisions of the Disturbance Standard and you will be required to apply for a formal disposition under the Act.

4.4.3 Statutory Declaration and Consent Requirement

Section 3.0 of the application form verifies for the department whether the applicant is a waterfront property owner or not, and if not, that consent of the waterfront landowner will be required for either:

a) A dock owned by someone who is not a waterfront landowner; or

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b) A semi-waterfront landowner whose mooring structures does not conform to the Disturbance Standard.

The consent must be attached with the application.

Note: The consent from a municipality that is owner of the waterfront property (e.g. Environmental Reserve) is not an approval to occupy the Crown's land. The consent only tells the department that the waterfront landowner has agreed to allow another person to place a dock in front of their property and that it is OK for the applicant to apply to AEP for an authorization.

4.4.4 Location of the Dock

Section 4.0 of the application form is used to determine which parcel of land that the dock will be placed in front of. If the applicant is a waterfront landowner, simply identify the legal lot location.

If you are not a waterfront dock owner, you need to identify both the Municipal/Environmental Reserve parcel that the dock will be in front of as well as which semi-waterfront parcel the dock will be located in front of.

If you are a backlot owner within a waterfront community, identify your lot location in section 4.2.

4.4.5 Sketch

An authorization for a dock is based on the structure to be approved and where it will be located in the water body.

Each applicant is to provide a sketch to identify where the dock will be placed in relation to the waterfront land parcel. Draw the location and dimensions of the dock in the shaded area on the application form. Include all boat lifts and associated structures.

The following are required for the sketch:

- Name of the waterbody
- Lot frontage/width
- Dimensions of all structures (dock, boat lift, mooring buoys, etc. and include the width of the walkway)
- Area of swimming platform and its location
- Property lines, their projection into the water, and the distance between your dock and property lines (in most cases, a 3m setback is required between your dock and the projected property boundaries)
- Any adjacent docks, and the distance between any adjacent docks and your dock (ensure that a 6m spacing exists between your dock and any others)
- Any existing aquatic vegetation, and if aquatic vegetation removal is required, show how much and where
- Depth of the water at the furthest point of your dock away from the shore

Optional, but helpful

- GPS coordinates of your dock and/or a map depicting the location of your dock.
- Past pictures of your dock and associated structure, if available.

The application form (see sample in appendix 1) has space on the reverse side for the applicant to draw in all mooring structures. A separate page can also be used and attached to the application form.

Note: If the dock obviously extends beyond line of navigation (1.5 m depth), the applicant may be required to shorten the length of the dock to ensure no navigational hazard is created. If a dock extends beyond 30m in length or cannot meet the other requirements in the federal Minor Works Order, the owner may be required to obtain an additional approval under the *Canadian Navigable Waters Act* administered by Transport Canada through the Navigation Protection Program (NPP).

In Alberta, the NPP can be contacted as follows:

Navigation Protection Program – Prairie and Northern Region Transport Canada Canada Place 1100-9700 Jasper Avenue Edmonton, AB T5J 4E6 Phone: 780-495-8215 Email: NPPPNR-PPNRPN@tc.gc.ca

Web: <u>https://tc.canada.ca/en/programs/navigation-protection-program/guide-navigation-protection-program-s-notification-application-review-requirements</u>

4.5 Where to Send your Application

Dock users are required to submit their dock applications to the district office for the region that the waterbody falls within. Dock TFA applications may be submitted to the regional AEP office over the counter as a hard copy, or by e-mail to the region's general e-mail box as follows:

	Con	tact List for Dock Authorizations	
Region	Land Use District	Email	Office Location
North West	Hinton	nes.2adp@gov.ab.ca	Hinton
	Smoky	GrandePrairie.LUapps@gov.ab.ca	Grande Prairie
	Peace	nwb.6adp@gov.ab.ca	Peace River
	Upper Hay	FortVermilion.LUapps@gov.ab.ca	Fort Vermilion
	Fort McMurray	neb.1adp@gov.ab.ca	Fort McMurray
North East	High Prairie/Slave Lake	slaveLake.LUapps@gov.ab.ca	Slave lake
	Lac La Biche	neb.2adp@gov.ab.ca	Lac La Biche
	Whitecourt	luapps-wcrt@gov.ab.ca	Whitecourt
South	Bighorn/Edmonton	RockyLU.Clearwater@gov.ab.ca	Rocky Mountain House
	Bow/Crow	AEP.LuApps-CLGR@gov.ab.ca	Calgary
	Prairie/Parkland	RedDeer.LUApps@gov.ab.ca	Red Deer
Operations Infrastructure	Reservoirs	aep.oiblands@gov.ab.ca	Lethbridge

For reservoirs owned by Irrigation Districts or managed by a utility, contact the reservoir manager directly for authority to place docks on the reservoir lands.

The following map may assist in locating the appropriate Lands Office to submit an application to:



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5.0 Fees

There is no cost for obtaining a dock permit for personal recreational use.

6.0 Seasonal Dock TFA Application Review and Decision Process

6.1 Completeness Review

An Administrative review is done to determine if the TFA application is complete and can therefore proceed to a merit review and decision.

The TFA application form must be fully completed or the application will be deemed incomplete and may be rejected.

The following elements or documents must be supplied with the TFA application in order for the application to be accepted as complete:

- Client ID is valid
- Sketch as per the application form requirements
- Signed declaration that the applicant is a waterfront landowner
- Consent(s) of the waterfront landowner is attached (if the applicant is not a waterfront landowner)

If any of the above are not provided, the application may be rejected as incomplete.

If the applicant is not a waterfront landowner or holder and no written consent of the waterfront owner/holder is provided, or if information is missing from the application, it may be rejected.

6.2 Merit Review and Decision

Prior to making a decision whether to authorize a temporary, seasonal dock for personal recreational use, the following general factors are considered by the Director:

- Is the applicant a waterfront or semi-waterfront holder?
- How much aquatic vegetation clearing is likely to occur next to a dock. If clearing is required, is a separate approval for that activity required?
- Does the dock support a waterfront holder's right to egress and ingress to and from the body of water?
- Is the use of a dock aligned and consistent with any approved land use plan or local municipal zoning and land use bylaws that addresses this use of the water body?
- Does the dock hinder the ability of the public to have access to and along the bed and shore of the water body?
- Do the proposed dimensions of the dock have the potential to interfere with the ingress and egress of watercraft by neighbouring waterfront holders;
- Are there likely to be any impacts, including cumulative impacts, of the proposed structure on the aquatic environment?

If the land use is approved, the TFA authorization is issued at the regional level through district offices by departmental field staff.

A copy of the TFA must be retained and made available to Department staff upon request.

6.3 Approval Process

Once the application is received, it will be reviewed to ensure all the required information is provided. This includes applicant information, any required consents (if applicable), and a complete sketch. If there is missing information, the application may be refused and you will need to re-apply.

If there are any extenuating circumstances or other issues to be addressed, approval of the application could be delayed.

If approved, conditions may be applied to the approval. The approval holder is bound by any condition that forms part of the approval. User Guide For Dock Authorizations The approximate timeline between application to receiving a decision is dependent on the volume of applications for all public land activities the department is processing.

6.4 Term of TFA Authorization

If the application is approved, the authorization will be issued for no more than a five (5) year term.

TFAs are not renewable. If necessary, a new TFA may be issued after the expiry date.

The Department has the right to cancel a TFA at any time.

7.0 Security and Rental

Temporary seasonal docks that are used for personal recreational use by a waterfront or semi-waterfront landowner are not subject to additional fees.

If a dock is being rented out for a fee, the department will treat it as a commercial enterprise and charge the owner security and rental. The department will also require the owner to make an application for a formal disposition for the dock.

8.0 Change in Waterfront Property Ownership

The TFA authorization is only valid for the individual that it was issued to.

Note: If a waterfront property changes ownership and the TFA holder is not the new waterfront holder, the TFA holder must resubmit landowner consent to maintain validity of the dock authorization.

Appendix 1. Dock TFA Application Form

The Info for t Part acco use plea	1-A-1 Privacy Clause, Public Land Utilization April 13, 2021 personal information contained on this form is collected under the authorization of section 33(c) of the <i>Freedom of</i> <i>rmation and Protection of Privacy (FOIP) Act</i> and is managed in accordance with Part 2 of the <i>FOIP Act</i> . It will be us he purpose of monitoring public land utilization in accordance with the <i>Public Lands Act</i> . Alberta Environment and ks will disclose all information contained on this form, including personal information, to anyone requesting a copy in ordance with sections 166-167 of the <i>Public Lands Administration Regulation</i> . Your personal information will not be d or disclosed for any other purpose without your consent or unless required to do so by law. For further information, is contact Public Lands Disposition Management Section, Operations Division, Alberta Environment and Parks, 5th or, South Petroleum Plaza, 9915-108 Street, Edmonton, Alberta, T5K 2G8. Telephone 780-427-3570.					
1.0	Applicant Information					
	Date:					
	Name:					
	Client ID: If you do not have a client ID, fill out this <u>application</u> and e-mail to: <u>CrownLandDataSupport@gov.ab.ca</u>					
	Address:					
	Phone number: Email:					
	Are you 18 years of age or older? □ Yes □ No					
	Are you an employee of the Government of Alberta (GOA) or a member of the Legislative Assembly?					
	If YES, attach approval from the Deputy Minister of your department in accordance with the Code of Conduct & Ethics for the Public Service of Alberta. If you are an MLA, please determine what approval documentation must be submitted with this application and attach.					
2.0	General Information					
2.1	Which structure(s) are you applying for? (check all that apply) □ Dock □ Swimming Platform □ Mooring Buoy □ Boat Lift(s)					
	Will the dock/associated structure be utilized for a commercial purpose? A commercial purpose include					
2.2	any dock or mooring facility that operates with an intention to produce an economic benefit, i.e., where fee is charged for use, or seasonal rental.					



4.1		ete <u>both</u> 4.1 and rfront parcel ar	d 4.2. nd/or semi-waterfrom	nt parcel will t	he dock/asso	ciated structu	re be placed
	Waterfront	r Environmonto	//Municipal Deconvol	Darcol			
	Lot	Block	I/Municipal Reserve I Plan Number		Tit	e Number	7
				Or			
	Semi-waterfr		Dian Namehan		Tit	- Normalian	
	Lot	Block	Plan Number	Or	Int	e Number	-
	Please indic	ate the ATS (Alb	perta Township Survey) location of the	e above lot(s).		
	LSD	<u>Qtr</u>	Sec	Twp	Rge	Mer	
4.2			k e lot , if not the same				
	Address: or						_
		Block	Plan Number	Or	Tit	e Number	
5.0	or		Plan Number	Or	Tit	e Number]
us mo ap Fo	or Lot Sketch Pla berta Environn e should not e boring area. O plicable): or more inform ructures in Al Required: Name of f Lot fronta Dimensio Area of sy Property I	nent and Parks extend beyond the n the next page nation on how Iberta. If you can the waterbody ge/width ns of all structure wimming platfor lines, their proje	has established that he Line of Navigation e, sketch all associate to draw the sketch, annot fit your sketcl res (dock, boat lift, m	the acceptable or not occupy d structures a please see th h in the space	e footprint of a more than 5 nd include all ne User Guid e provided, p etc. and inclu	a dock for pers 0% of the avai of the followin de for Docks a blease use a s de the width c our dock and j	ilable defined ng (where and Associa separate pag of the walkwa property lines

 Any adjacent docks, and the distance between any adjacent docks and your d spacing exists between your dock and any others) Any existing aquatic vegetation, and if aquatic vegetation removal is required, where Depth of the water at the furthest point of your dock away from the shore 	
Optional, but helpful ☐ GPS coordinates of your dock and/or a map depicting the location of your dock ☐ Past pictures of your dock and associated structure, if available.	K.
Line of Navigation: (1.5m) 5ft depth	contour
	Water Line
Bank	