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Disturbance Standard for Temporary Seasonal Docks for Recreational Purposes

Version 1.0

May [DATE] 2020

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Preface

- 1 This Disturbance Standard is established under section 3 of the *Public Lands Administration Regulation*.

Purpose

- 2 The purpose of this Disturbance Standard is to set the maximum acceptable footprint for a temporary seasonal dock and associated structures for recreational purposes on vacant public land.

Definitions

- 3(1) All definitions in the *Public Lands Act*, RSA 2000, c P-40 and the *Public Lands Administration Regulation* apply except where expressly stated in this Disturbance Standard.
- (2) In this Disturbance Standard,
 - (a) “anchor” means a weighted object placed on the bed or shore of a water body for the purpose of fixing a buoy, temporary seasonal dock or swimming platform to the bed or shore of a water body;
 - (b) “associated structures” includes boat lifts and swimming platforms, but does not include a boathouse;
 - (c) “bank” means the natural boundary where the bed and shore of a water body cease; unless coincidental, it is not a historic high water mark, a flood line, or the current waterline;
 - (d) “bed and shore” means the submersed and exposed part of a water body that is bounded by its bank;
 - (e) “boathouse” means a permanent structure used for the storage of a vessel and associated materials and includes any structure that is completely enclosed on all sides, has a roof or walls or any combination of the two;
 - (f) “buoy” means a floating marker that is placed in a water body, excluding the anchor;
 - (g) “Disturbance Standard” means the *Disturbance Standard for Temporary, Seasonal Docks for Recreational Purposes*, as established under section 3 of the *Public Lands Administration Regulation* and as amended or replaced from time to time;
 - (h) “dock” means any pier, wharf or other structure constructed or maintained in a water body, whether floating or not, used for the purposes of mooring a vessel and includes any walkway, terminal platform, or anchor if an anchor is used;

- (i) “line of navigation” means a line located at a distance below the current water line that will afford sufficient draft for a vessel customarily in use on a particular water body, and is the minimum required of either:
 - (i) the 1.2 meter water depth contour; or
 - (ii) the length of the vessel to be moored;
- (j) “littoral drift” means the sedimentary material that is transported in the water along the bed and shore by waves and current;
- (k) “maximum acceptable footprint ” means the extent and nature of a permitted activity as set out in this disturbance standard;
- (l) “mooring area” means the area of the water body apportioned to a waterfront holder or semi-waterfront holder or municipal waterfront holder as set out in section 7 of this disturbance standard;
- (m) “mooring buoy” means a buoy installed or used for the purpose of offshore moorage of a vessel, excluding the anchor;
- (n) “open water part of the year” the period of time during the year when the water in a water body is not covered with ice;
- (o) “permitted activity” means the construction, placement and use of a temporary seasonal dock for a recreational purpose as defined under Part 2 of the *Public Lands Administration Regulation*, which includes any associated structures and mooring buoys and anchors but does not include:
 - (i) construction, placement and use of a multiple user dock or community dock; or
 - (ii) construction, placement and use of a temporary seasonal dock for a commercial purpose as defined in Part 2 of the *Public Lands Administration Regulation*;
- (p) “personal watercraft” means any motorized recreational water vehicle that is 14 feet or less in manufactured hull length, has as its primary source of propulsion an inboard motor powering a jet pump, and is capable of carrying one or more persons in a sitting, standing or kneeling position on or astride the vessel.
- (q) “municipal waterfront holder” means a municipality as defined under the *Municipal Government Act*, that is registered under the *Land Titles Act* as the owner of the fee simple estate in the land directly adjoining the bank of a water body;
- (r) “semi-waterfront holder” means:
 - (i) the person who is registered under the *Land Titles Act* as the owner of the fee simple estate in the land directly adjoining a municipal reserve or environmental reserve, where the municipal

- reserve or environmental reserve directly adjoins the bank of a water body; or
- (ii) the holder of a disposition according to the records of the Department for land directly adjoining a municipal reserve or environmental reserve, where the municipal reserve or environmental reserve directly adjoins the bank of a water body;
- (s) “swimming platform” means a floating platform without railings, a roof or walls that is anchored to the bed of a water body and is only designed and used for swimming, diving and related activities that do not include the mooring of watercraft;
- (t) “swing radius” of a vessel at anchor, means the distance from the anchor to the stern of the vessel that will form the circumference of a circle (the swing area as the vessel revolves about the mooring point). The length of the swing radius is equal to the length of anchor chain plus the total length of the vessel;
- (u) “temporary seasonal dock” means a dock that is constructed and installed in a way so that it can be removed from the bed and shore of a water body before the end of the open water part of the year without causing disturbance to the bed and shore;
- (v) “terminal platform” refers to the portion of the dock connected to, and generally wider than the walkway, and used both for securing and loading a vessel;
- (w) “walkway” refers to the portion of the dock that allows access to the terminal platform;
- (x) “water body” means a permanent and naturally occurring body of water or a naturally occurring river, stream, watercourse or lake;
- (y) “vessel” means a motorized or non-motorized boat or pleasure craft, personal watercraft, or other similar vessel including a float plane, but excludes a thing used as a temporary or permanent residence, floating or otherwise;
- (z) “waterfront holder” means:
- (i) the person who is registered under the *Land Titles Act* as the owner of the fee simple estate in the land directly adjoining the bank of a water body; or
- (ii) the holder of a disposition according to the records of the Department for land directly adjoining the bank of a water body.

Application of this Disturbance Standard

- 4(1) Subject to section 4(2), this Disturbance Standard applies to beds and shores of all water bodies vested in the Crown in right of Alberta by virtue of section 3 of the *Public Lands Act*.

- (2) This Disturbance Standard does not apply to beds and shores that are within a sanctuary as defined in section 3(qq) of the *Wildlife Regulation*, as amended.

General Permission

- 5(1) A waterfront holder or semi-waterfront holder may enter on and occupy the bed and shore for the purpose of a permitted activity subject to the following:

- (a) the permitted activity shall only be temporary;
- (b) the permitted activity shall be for personal use only;
- (c) the permitted activity shall only be seasonal;
- (d) the permitted activity shall meet all of the requirements of the maximum acceptable footprint as set out in this Disturbance Standard;
- (e) a permitted activity, with the exception of construction, placement and use of a mooring buoy and anchor and swimming platform, shall only occur within the mooring area as determined in accordance with this Disturbance Standard;
- (f) the waterfront holder or semi-waterfront holder shall obtain all federal, provincial, municipal, and other permits and approvals, as applicable, with respect to the permitted activity;
- (g) permitted activity shall comply with federal and provincial laws, municipal bylaws and local government zoning restrictions; and
- (h) the permitted activity shall not cause loss or damage to public land.

- (2) A municipal waterfront holder may enter on and occupy the bed and shore of the municipal waterfront holder's mooring area for the purpose of placing one or more buoys and anchors subject to the following:

- (a) the buoys and anchors are for the purpose of marking a defined swimming area, posting speed restrictions, for vessel navigational aids, or for marking a restricted area;
- (b) the buoys and anchors shall be for temporary seasonal use;
- (c) the municipal waterfront holder shall obtain all federal, provincial, municipal, and other permits and approvals, as applicable, with respect to the placement of buoys and anchors;
- (d) placement of buoys and anchors shall comply with federal and provincial laws, municipal bylaws and local government zoning restrictions;
- (e) the municipal waterfront holder shall only construct the anchor for a mooring buoy in accordance with the following:
 - (i) Anchors shall be composed of material that does not physically or chemically degrade when exposed to physical abrasion, chemical abrasion or water;
 - (ii) Anchors shall not contain or consist of garbage, waste or debris; and
 - (iii) Anchors shall not contain material that was intended for other uses; and
- (f) the buoy shall be removed from the bed and shore at the end of the open water part of the year.

No property or compensation

- 6 Notwithstanding any rule of law or equity, the rights and privileges conveyed in this Disturbance Standard do not constitute personal property or any exclusive privileges or right of use on public land, nor does it authorize any injury to property or infringement of rights or federal, provincial or local laws and regulations. No right of action or compensation exists against the Province for any

losses arising directly or indirectly from activities permitted in this Disturbance Standard.

Defined Mooring Area

- 7(1) For the purpose of this section, “holder” includes waterfront holder, semi-waterfront holder and municipal waterfront holder.
- (2) A holder’s mooring area is bounded by:
- (a) the current water line;
 - (b) the line of navigation; and
 - (c) setbacks, as set out in section 7(4), from the holder’s projected property lines determined in accordance with section 7(3).
- (3) The projected property lines are determined by drawing straight lines from the intersection of the holder’s property line with the bank to the line of navigation according to one of the following methods:
- (a) *Extended lot line method:* Project a straight line with the same alignment as the property line from the intersection of the property line with the bank to the line of navigation (Figure 1).

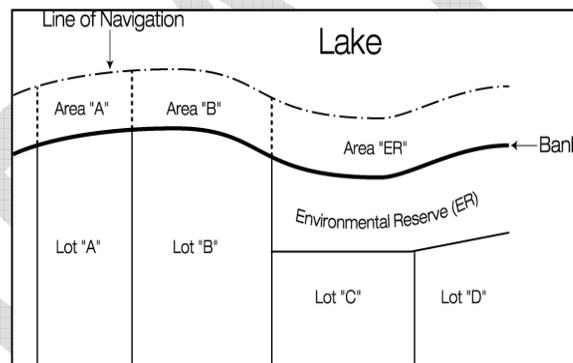


Figure 1. Extended Lot Line Method

- (b) *Coterminous line method:*
 1. Using a subdivision plan, locate the holder’s lot;
 2. Draw a straight line (the “extended bank line”) between the two points where the property lines of the holder’s lot intersect with the bank;
 3. Repeat step 2 above to determine the extended bank line for the lots that are adjacent to the holder’s lot;
 4. Equally bisect the angle between the extended bank lines of the holder’s lot and the extended bank lines of the lots that are adjacent to the holder’s lot;
 5. Project a straight perpendicular line from the bisected angles in step 4 out to the line of navigation as shown in Figure 2 to determine the coterminous lines;
 6. If the coterminous lines intersect before the line of navigation is reached, another method of apportionment may be used as approved by the Department in writing.

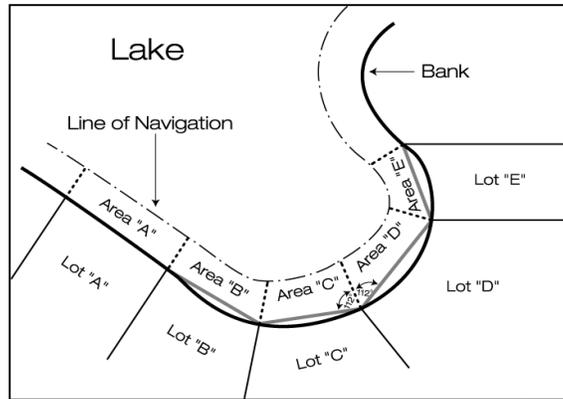


Figure 2. Coterminous Line Method

- (4) Setbacks from the projected property line shall be:
 - (a) Not less than 5 meters from any projected property line; and
 - (b) Zero (0) meters where a temporary seasonal dock, associated structures, or mooring buoy and anchor for a recreational purpose is shared and is located adjacent to or on both sides of a shared property line as agreed to by the affected waterfront holder, semi-waterfront holder or municipal semi-waterfront holders.
- (5) For the purpose of section 5(1) of this Disturbance Standard, the mooring area for a semi-waterfront holder shall be determined in accordance with sections 7(2) and 7(3) where the projected lot line shall extend through the land held by the municipal waterfront holder.

Maximum Acceptable Footprint for Permitted Activity – Temporary Seasonal Dock

- 8(1) The maximum acceptable footprint in this section shall apply to the construction, placement and use of a temporary seasonal dock by a waterfront holder or semi-waterfront holder.
- (2) The waterfront holder or semi-waterfront holder shall not construct or place more than one temporary seasonal dock within the mooring area.
- (3) A semi-waterfront holder shall not construct or place a temporary seasonal dock if a municipal waterfront holder has already constructed or placed a dock in the semi-waterfront holder's mooring area.
- (4) The waterfront holder or semi-waterfront holder may only use or allow the use of a temporary seasonal dock to support mooring for a recreational purpose as defined in Part 2 of the *Public Lands Administration Regulation*.
- (5) The waterfront holder or semi-waterfront holder shall construct a temporary seasonal dock in accordance with the following:
 - (a) The size of the walkway for a temporary seasonal dock shall not exceed 1.5m in width;
 - (b) The size of the terminal platform for a temporary seasonal dock in any configuration, shall not exceed 50% of the waterfront holder's lot width or semi-waterfront holder's lot width, as measured closest to the current water line;

- (c) The area of the terminal platform for a temporary seasonal dock shall not exceed 12 m²;
 - (d) If the temporary seasonal dock is being constructed or placed on a water body that is a river, the temporary seasonal dock shall not extend out into the river more than 10% of the total width of the river as measured at a point where the temporary seasonal dock is to be placed; and
 - (e) A temporary seasonal dock shall not completely enclose any portion of a water body;
- (6) The waterfront holder or semi-waterfront holder shall only construct a temporary seasonal dock using biologically inert and non-reactive materials, including but not limited to factory pressure treated, non-toxic, marine grade wood, untreated wood or plywood, metal, fiberglass, or plastic.
- (7) The waterfront holder or semi-waterfront holder may only remove aquatic vegetation if:
 - (a) vegetation removal is directly incidental to the permitted activity; or
 - (b) the aquatic vegetation is a Freshwater Dwelling Invasive Plant listed under Item 2 of the Schedule in the *Fisheries (Alberta) Act*.
- (8) Where removal of aquatic vegetation is directly incidental to the permitted activity, the waterfront holder or semi-waterfront holder may only remove aquatic vegetation in accordance with the following:
 - (a) aquatic vegetation may only be removed once per year;
 - (b) aquatic vegetation may only be removed between August 1 and September 30;
 - (c) the area from which aquatic vegetation may be removed is restricted as follows:
 - (i) the length of access may only consist of a single lane from the bank in a direct path perpendicular to the shore;
 - (ii) the width of the single lane shall be a maximum width of 4 meters;
 - (iii) the single lane must remain in the same location every year;
 - (iv) the depth of removal of aquatic vegetation shall not be greater than 1 meter below the water surface; and
 - (v) aquatic vegetation may only be removed by manual or mechanical means;
 - (d) all aquatic vegetation that is removed shall be immediately removed from the bed and shore and disposed of such that nutrients and debris will neither accumulate on the bed and shore or re-enter the water body.
- (9) The waterfront holder or semi-waterfront holder shall only construct floats for the temporary seasonal dock using materials that do not physically or chemically degrade when exposed to physical abrasion, chemical abrasion, water or petroleum products.
- (10) The waterfront holder or semi-waterfront holder may only apply preservatives to the temporary seasonal dock while the temporary seasonal dock is located above the bank.
- (11) The waterfront holder or semi-waterfront holder shall not place the temporary seasonal dock beyond the bank unless previously applied preservatives are completely dried;
- (12) The waterfront holder or semi-waterfront holder may only use synthetic or metal containers not originally intended for flotation devices for construction of the temporary seasonal dock, provided they have been cleaned of all product residues, are corrosion resistant, and watertight.

- (13) The waterfront holder or semi-waterfront holder shall only construct the anchor for a temporary seasonal dock in accordance with the following:
 - (a) Anchors shall be composed of material that does not physically or chemically degrade when exposed to physical abrasion, chemical abrasion or water;
 - (b) Anchors shall not contain or consist of garbage, waste or debris; and
 - (c) Anchors shall not contain material that was intended for other uses.
- (14) The waterfront holder or semi-waterfront holder shall maintain the temporary seasonal dock in a safe operating condition at all times.
- (15) The waterfront holder or semi-waterfront holder shall not cause or allow the construction, placement or use of a temporary seasonal dock in any way that:
 - (a) results or may result in in damage or modification to the bed and shore of the water body;
 - (b) obstructs or may obstruct public access along the bed and shore;
 - (c) interrupts or may interrupt the free movement of water; or
 - (d) causes or may cause the formation of land by deposition of littoral drift upon the bed and shore of a water body.
- (16) The waterfront holder or semi-waterfront holder shall not construct or place any fixtures on a temporary seasonal dock except a bench.
- (17) The waterfront holder or semi-waterfront holder shall not cause or allow the storage of fuel on a temporary seasonal dock.
- (18) The waterfront holder or semi-waterfront holder shall remove the temporary seasonal dock before the end of the open water part of the year.
- (19) Once the waterfront holder or semi-waterfront holder has removed the temporary seasonal dock in accordance with section 8(18), the waterfront holder or semi-waterfront holder shall store the temporary seasonal dock above the bank.
- (20) Notwithstanding sections 5(1)(d) and 8(1) of this Disturbance Standard, a temporary seasonal dock that was constructed, placed and used by a waterfront holder or semi-waterfront holder prior to May 31, 2020:
 - (a) is not subject to sections 8(4), 8(5)(a), 8(6), 8(9), 8(12) or 8(13) of this Disturbance Standard if the waterfront holder or semi-waterfront holder can prove to the satisfaction of the Department that the temporary seasonal dock was constructed, placed and used prior to May 31, 2020; and
 - (b) is subject to sections 8(2), 8(3), 8(5)(b) to (e), 8(7), 8(8), 8(10), 8(11) and 8(14) to (19) of this Disturbance Standard;

If the waterfront holder or semi-waterfront holder does not prove to the satisfaction of the Department that the temporary seasonal dock was constructed, placed and used prior to May 31, 2020, this section does not apply and the waterfront holder or semi-waterfront holder shall comply with subsections (1) to (19) in their entirety.

Maximum Acceptable Footprint for Permitted Activity – Boat Lift

- 9(1) The maximum acceptable footprint in this section shall apply to the construction, placement and

use of a boat lift.

- (2) The waterfront holder or semi-waterfront holder may only construct or place one of the following:
 - (a) a maximum of two boat lifts for use with a vessel; or
 - (b) one boat lift for use with a vessel and a maximum of two boat lifts only to be used for personal watercraft.
- (3) The waterfront holder or semi-waterfront holder shall not construct or place a boat lift that is enclosed on all sides.
- (4) The waterfront holder or semi-waterfront holder shall only construct or place a boat lift within the mooring area.
- (5) The waterfront holder or semi-waterfront holder shall maintain the boat lift in a safe operating condition at all times.
- (6) The waterfront holder or semi-waterfront holder shall remove the boat lift before the end of the open water part of the year.
- (7) Once the waterfront holder or semi-waterfront holder has removed the boat lift in accordance with section 9(6), the waterfront holder or semi-waterfront holder shall store the boat lift above the bank.
- (8) The waterfront holder or semi-waterfront holder may only use or allow the use of a boat lift for a recreational purpose as defined in Part 2 of the *Public Lands Administration Regulation*.

Maximum Acceptable Footprint for Permitted Activity – Swimming Platform

- 10(1) The maximum acceptable footprint in this section shall apply to the construction, placement and use of a swimming platform.
- (2) The waterfront holder or semi-waterfront holder shall not construct or place more than one swimming platform beyond the mooring area.
- (3) The waterfront holder or semi-waterfront holder may only use or allow the use of a swimming platform for personal use.
- (4) The waterfront holder or semi-waterfront holder shall not construct a swimming platform greater than 9 m² in size.
- (5) The waterfront holder or semi-waterfront holder shall place the swimming platform beyond the line of navigation and within the setbacks from the projected property line as set out in section 7 of this Disturbance Standard, provided it does not interfere with navigation.
- (6) The waterfront holder or semi-waterfront holder shall not construct or place fixtures on the swimming platform with the exception of a slide or a bench for personal use.
- (7) The waterfront holder or semi-waterfront holder shall not use or allow the use of a swimming

platform for the mooring of vessel.

- (8) The waterfront holder or semi-waterfront holder shall maintain the swimming platform in a safe operating condition at all times.
- (9) The waterfront holder or semi-waterfront holder shall remove the swimming platform at the end of the open water part of the year.
- (10) The waterfront holder or semi-waterfront holder shall only construct a swimming platform using material that does not physically or chemically degrade when exposed to physical abrasion, chemical abrasion, water or petroleum products, including but not limited to factory pressure treated, non-toxic, marine grade wood, untreated wood or plywood, metal, fiberglass, or plastic.
- (11) The waterfront holder or semi-waterfront holder shall only construct the anchor for a swimming platform in accordance with the following:
 - (a) Anchors shall be composed of material that does not physically or chemically degrade when exposed to physical abrasion, chemical abrasion or water;
 - (b) Anchors shall not contain or consist of garbage, waste or debris; and
 - (c) Anchors shall not contain material that was intended for other uses.

Maximum Acceptable Footprint for Permitted Activity – Mooring Anchor and Buoy

- 11(1) The maximum acceptable footprint set out in this section shall apply to the construction, placement and use of a mooring buoy and anchor.
- (2) The waterfront holder or semi-waterfront holder shall not construct or place more than one mooring buoy and anchor beyond the mooring area;
- (3) The waterfront holder or semi-waterfront holder may only use or allow the use of a mooring buoy and anchor to support mooring of vessel for a recreational purpose as defined in Part 2 of the *Public Lands Administration Regulation*.
- (4) The waterfront holder or semi-waterfront holder shall only place the mooring buoy and anchor beyond the line on navigation and in accordance with setbacks from the projected property line as set out in section 8 of this Disturbance Standard.
- (5) The waterfront holder or semi-waterfront holder shall not construct, place or use a mooring buoy and anchor in any way that interferes with or may interfere with navigation.
- (6) The waterfront holder or semi-waterfront holder shall not place an anchor for a mooring buoy within 20 meters of any structure or within the swing radius of another mooring buoy.
- (7) The waterfront holder or semi-waterfront holder may only construct or place a mooring buoy and anchor such that the swing radius of the vessel to be moored shall be at least 5 meters from the projected property line.
- (8) The waterfront holder or semi-waterfront holder shall only construct the anchor for a mooring buoy in accordance with the following:

- (a) Anchors shall be composed of material that does not physically or chemically degrade when exposed to physical abrasion, chemical abrasion, water or petroleum products;
- (b) Anchors shall not contain or consist of garbage, waste or debris; and
- (c) Anchors shall not contain material that was intended for other uses.

Transitional

12 Section 8(20) expires on May 31, 2025.

Guidelines

13 The Department may publish guidelines and policies to assist in the interpretation of this Disturbance Standard, however, such guidelines and policies do not form part of this Disturbance Standard.

Disturbance Standard Review and Amendment

14 The Minister may review and amend this Disturbance Standard at any time.

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