



Information on

- Non-permanent Sloughs
- Extent of Ownership
- Effect of Flooding on Ownership
- Effect of Drought on Ownership
- Accreted Lands
- Access to Bed and Shore Management, A Shared Responsibility

Created October 1997

Water Bodies and the Management of Bed and Shores

With a few exceptions, the bed and shore of all permanent and naturally occurring water bodies (e.g., lakes, streams, rivers) are owned by the Province of Alberta. Water and the use of water is also under provincial jurisdiction through the *Water Act*.

In 1894, the federal government incorporated the ownership of the bed and shore of water bodies as part of its *NorthWest Irrigation Act*. After Canada transferred control of the natural resources to Alberta in 1930, the same provisions regarding water and water-covered areas became part of provincial law. Since 1931, the *Provincial Lands Act* and later the *Public Lands Act* have governed the province's ownership of the beds and shores.

Extent of Ownership

The extent of the Crown's ownership of the bed and shore is limited by the line called the bank of the water body. This is a line along the upper limit of the bed and shore. It's formed by the normal, continuous action or presence of surface water on the land, that forms a natural boundary between the Crown owned bed and shore, and privately owned land. The location of the bank isn't affected by occasional periods of drought or flooding. The bed is the land on which the water sits, and the shore is that part of the bed which is exposed when water levels aren't at their normal fullest level.

Effect of Flooding on Ownership

When a flood occurs, water overflows the banks sometimes causing the embankment and adjacent private lands to erode. Landowners have the right to protect their land against flooding and erosion.

Commonly used strategies include armoring the embankments with washed rock and cobbles. These require authorization from the land manager if the materials are placed below the bank on the bed and shore of a water body.

Flooding can also cause watercourse channels to shift to a new location. Landowners who suddenly lose land through a flood can rebuild their lost lands if they act within a reasonable amount of time. They are also subject to conditions of other legislation such as the *Water Act* and the federal *Fisheries Act*. The onus is on the landowner to prove that the loss was due to a sudden event and that reclamation doesn't extend beyond the pre-flood boundary.

Effect of Drought on Ownership

Permanent water bodies that only become dry occasionally as a result of a drought are still considered permanent water bodies. Since this is caused by an extraordinary/ extreme event, these water bodies aren't considered temporary and the Crown retains ownership of the bed and shore. If the drought is lengthy and the bed becomes permanently exposed and upland vegetation becomes established (i.e., loses the characteristics of a bed and shore), the adjacent landowner may be able to claim ownership to this new land under the Common Law riparian right to accreted lands.

The Crown does not claim waterbodies that aren't permanent.

Accreted Lands

Accretion is a natural process by which new land is formed on the bank of a lake, river or stream. Accretion occurs only by

ABOUT PUBLIC LANDS

the gradual, imperceptible recession of water or the gradual natural accumulation of sediment. If the change is permanent, the adjacent landowner may be entitled to any additional land that results from accretion. Conversely, any natural, gradual erosion of land bordering a water body, or the natural, gradual encroachment of water on land may increase the extent of the bed and shore owned by the Crown.

Any attempt to alter a water body to form new land affects a landowner's right to claim ownership. A landowner's claim to accreted lands extends only to his legally described boundaries.

Access to Bed and Shore

Water bodies are used for a variety of purposes. Since the beds and shores of most rivers, streams and lakes are public land, users can often walk along the water's edge below the legal bank without trespassing on adjacent land. Accidental trespassing on adjacent land can occur when the location of the legal bank can't be readily identified.

Users must ensure they have legal access to reach the bed and shore of a water body. If adjacent land must be crossed to reach the bed and shore, the user should contact the land owner/holder for permission to cross their land to access a water body.

Management, A Shared Responsibility

The land manager works closely with the resource agency in the department of Alberta Environmental's Water Management, and Alberta Sustainable Resource Development's Fish and Wildlife Division to integrate the management of shoreland resources. Primarily, the goal is to maintain the integrity of provincial water bodies to ensure their resource values and public benefits (recreation, water quality, fish and wildlife habitat, public access, etc.) are sustained. Any recreational developments, industrial activities or agricultural uses proposed for the bed and shore require approval from the Public Land Manager.

There are also management goals for slough/marsh wetlands that are on public land. The intent of the provincial government is to conserve them in their natural state, mitigate the degradation or loss of slough/marsh wetland benefits and enhance, restore or create slough/marsh wetlands in areas where they have been depleted or degraded.

The land manager works with adjacent landowners and other users to share in the management of the resources they use. Fortunately, the management objectives of the land owner are in many instances compatible with the government's objectives for managing the bed and shore. Land managers also work with landowners and local municipalities to develop public awareness of the value of shorelines, and to educate users.

Consultation and extension services are available to the public, including a variety of information brochures.

This information is intended for convenience of reference only. The current *Public Lands Act* and regulations should be consulted for all purposes of interpreting and applying the law.

If you require updated information, contact any of the offices below:

Alberta Sustainable Resource Development
Lands Division
Land Dispositions Branch
9915 - 108 Street
Edmonton, Alberta T5K 2G8
Telephone: (780) 427-3464

Rangeland Management Branch
9920 - 108 Street
Edmonton, Alberta T5K 2M4
Telephone: (780) 427-3595

Forestry Division
Forest Management Branch
9920 - 108 Street
Edmonton, Alberta T5K 2M4
Telephone: (780) 422-4590

OR call the Lands Division district office in your area.

OR visit the Lands Division website:
http://www.srd.gov.ab.ca/land/c_1.html