

# Lakeshore Development

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## The Importance of Shorelines

Natural shorelines are richly diverse habitats and an integral part of a functioning lake ecosystem. The abundant aquatic vegetation found there not only provides important habitat for fish and other aquatic species, but also acts as erosion control to protect shore land from ice and wave action. Trees, shrubs and grasses found along a bank also protect the shore land. When these areas are disturbed by development they cease to provide erosion protection and valuable habitat can be lost. Many cottage subdivisions now have a dedicated reserve land between the lots and the bed of the water body. These lands provide public access to the water as well as providing an important buffer area between developments and the lake.

## Recreational Development

As waterfront properties are altered by landscaping or installing docks, decks or stairs, we need to lessen the adverse impacts on the shoreline and riparian zones. The choice of building materials and the location of developments are only two of many important considerations.

Shorelines are protected by The Environmental Management and Protection Act, 2002 (EMPA). Under EMPA any person planning any work near any water body must contact the Saskatchewan Ministry of Environment to:

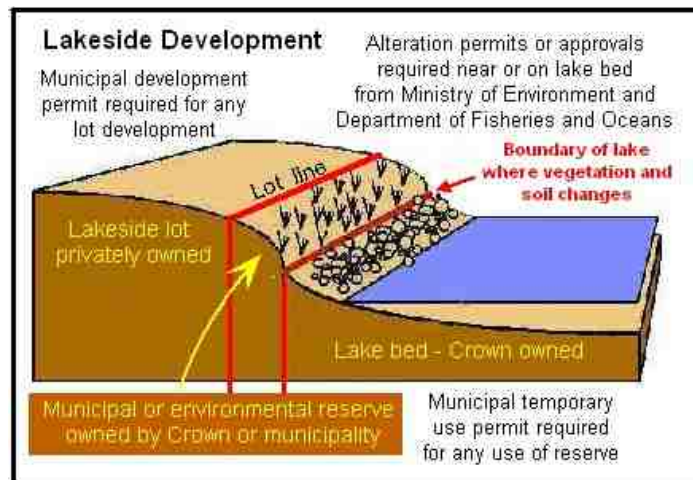
- alter the bed, bank or boundary of any water body or water course;
- remove or add any material to the bed, bank or boundary of any water body or water course; or
- remove vegetation from the bed, bank or boundary of any water body or water course.

Approvals are also required from the Department of Fisheries and Oceans (DFO) for any work in or near water that may affect fish habitat, and from municipalities for all proposed development. For more information or permit applications, contact the nearest Ministry of Environment or Ministry of Municipal Affairs office.

## Expert Help

Many agencies have produced waterfront stewardship publications and fact sheets to help lakeside residents. Some are listed here.

- DFO, Saskatchewan Fact Sheet 2 – *Working Around Water? What You Should Know About Fish Habitat and Docks, Boathouses and Boat Launches* - Fisheries and Oceans Canada, (306) 780-8725
- DFO, Saskatchewan Fact Sheet 3 – *Working Around Water? What You Should Know About Fish Habitat and Building Materials* - Fisheries and Oceans Canada, (306) 780-8725
- DFO, Saskatchewan Fact Sheet 5 - *Working Around Water? What You Should Know About Fish Habitat and Shoreline Stabilization* - Fisheries and Oceans Canada, (306) 780-8725
- *Waterfront Living Brochure and Checklist* - Living by Water Project, (306) 780-9834
- *The Shore Primer - A Cottager's Guide to a Healthy Waterfront* - Cottage Life and Fisheries and Oceans Canada, (306) 780-8725
- *The Dock Primer - A Cottager's Guide to Waterfront Friendly Docks* - Cottage Life and Fisheries and Oceans Canada, (306) 780-8725



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## Common Myths of Lakeshore Development

<p><b>I own my property right to the water's edge!</b></p>	<p>The majority of lake front property owners in Saskatchewan do NOT own the land right to the water's edge. In fact, if a Municipal or Environmental Reserve doesn't separate your lot from the lake, the land closest to the lake is usually the bank of the water body. The area between the bank and the waters edge, typically referred to as the beach, foreshore or lakeshore, belongs to the Crown.</p> <p>In Saskatchewan, properties are legally defined by their land title and a registered survey plan of the subdivision. It doesn't matter what the real estate agent or seller said, the land title will tell you what you own and the survey plan will show you the dimensions and extent of your property.</p>
<p><b>Municipal or Environmental Reserve is an extension of my property!</b></p>	<p>It is a common misbelief that if Municipal and Environmental Reserves are "publicly" owned, then it is an adjacent landowner's right to use this land for their private enjoyment. These reserves are separately titled parcels of land held in the name of the municipality or the Crown, created at the time the land is subdivided and are intended to provide recreation space or public access for all residents. Unauthorized developments or use of reserve lands are a trespass on another person's land.</p>
<p><b>I'm entitled to a view of the lake; I paid good money for my lot!</b></p>	<p>Even though you are one of the few privileged landowners to have a property next to a lake, this does not entitle you to a view of the lake. If a reserve, which may be treed, separates your lot from the lake, you do not have the right to cut down the vegetation on someone else's property without approval! Also, you may not undertake any other forms of landscaping on the reserves without permits from both the municipality and provincial authorities.</p>
<p><b>I can do what I want with my property once I've bought it!</b></p>	<p>Just like in the city, bylaws and development restrictions limit what can and cannot be done on private property. A permit from the municipality's development officer and building inspector is required for all structural improvements on private property. Any alteration to the shoreline of any water body requires approvals from the Saskatchewan Ministry of Environment and from Department of Fisheries and Oceans (DFO).</p>
<p><b>My cottage needs a sand beach to add value to the property!</b></p>	<p>If time and geology didn't create a sand beach naturally, it's unlikely an artificial sand beach will remain where you put it. Don't waste your money on replacing lost sand year after year; use the public beach (it's safer for swimming and protected from boating). Any alteration to the beach, foreshore or lakeshore of a fish bearing water body requires approval from the Department of Fisheries and Oceans as well as a permit from the Ministry of Environment.</p>
<p><b>As a lakefront property owner, I can keep people off "my" lakeshore and restrict others from using my dock!</b></p>	<p>The beds and shores of lakes are Crown owned and therefore public land for everyone to use. You cannot prevent the public from using the shore or a municipal reserve in front of your cottage. Seasonal piers and boat lifts located on a lake bed without a permit are technically (legally) a trespass on Crown land. Any structure left on public land without authority could be assumed by the public as an invitation for use. Although a private structure, it would be difficult for a cottager to initiate a civil action against someone else for using their pier, dock, or any other improvements. <b>NOTE:</b> The owner of such a structure is however liable for these improvements/structures and its use by others.</p>
<p><b>A lake or stream is a convenient place to dispose of sewage and waste water - because it's diluted, it won't hurt anything!</b></p>	<p>Streams link surface runoff within a watershed directly to collection points like a lake. Wastes diluted by water in a stream will enter a lake and any nutrients dissolved in the water are then available for algae growth. Wastes from residences can result in a considerable input to the nutrient load within a lake and cause severe damage to the ecosystem and aquatic wildlife.</p> <p>Under Canada's Fisheries Act, you may not discharge any substances that may affect fish habitat. Under The Environmental Management and Protection Act, 2002 a permit is required from the Saskatchewan Ministry of Environment to discharge sewage or water into any water body or water course.</p>
<p><b>Aquatic plants in front of my lot have to go. These "weeds" decrease the quality of my lake and the value of my property!</b></p>	<p>Many people consider aquatic plants like cattails and reeds as "weeds" and a nuisance. These plants, however, play an important role in maintaining the health of our lakes. They stabilize the bed and shore, reduce soil movement and erosion, and are important habitat areas for fish, waterfowl and other wildlife. Aquatic plants also make use of nutrients in lakes that would otherwise contribute to unwanted algae growth. Too much growth, however, may limit boat access to open water. In such cases, a boat lane may be cut through heavy stands of</p>

	<p>aquatic plants, but only if an approval is obtained from the Department of Fisheries and Oceans, the Saskatchewan Ministry of Environment and, if affecting a reserve, from the Municipality.</p>
<p><b>A highly manicured lot in front of my cottage is the best way to landscape a lot. Regular fertilizing of the lawn at my lake shore property won't affect the quality of the lake!</b></p>	<p>A highly manicured grass lawn is high maintenance! Think how much work it is in the city. Remember you are at the cottage to escape the chores and demands of city life and stress. Fertilizers promote grass growth and in turn increase maintenance required to keep it in check. Avoid applying fertilizers in general, but particularly before a rain. Grass lawns are also in actuality a fairly hard surface for water and much of the fertilizer applied ends up washing into the lake and promoting algae growth.</p> <p>Maintain your yard with as much natural vegetation as possible (it doesn't need to look wild). Landscape your lot based on your recreational needs. Most people don't need nor regularly use 1000 square feet of lawn. A sitting and play area with a good path to the reserve area should provide more than enough weekend work.</p>
<p><b>A septic field is good enough for getting rid of sewage and grey water!</b></p>	<p>In Saskatchewan, the <u>Shoreland Pollution Control Regulations, 1976</u> govern the installation of sewage systems within 457 metres (1,500 feet) of the high water mark of any lake, river, stream or any other water body. Unless your residence is connected to a communal sewage disposal system, individual holding tanks must be installed and the effluent must be hauled by a licensed contractor to an approved disposal facility.</p>
	<p><b>For more information contact:</b></p> <p>Saskatchewan Ministry of Environment  <a href="http://www.environment.gov.sk.ca">www.environment.gov.sk.ca</a></p> <p>or</p> <p>Saskatchewan Ministry of Municipal Affairs  <a href="http://www.municipal.gov.sk.ca">www.municipal.gov.sk.ca</a></p> <p><u>Southern Region</u>  Saskatchewan Ministry of Municipal Affairs  Community Planning Branch  420 – 1855 Victoria Avenue  REGINA SK S4P 3T2  Telephone: (306) 787-2725 Fax: (306) 798-0194</p> <p><u>Central and Northern Regions</u>  Saskatchewan Ministry of Municipal Affairs  Community Planning Branch  Room 978, 122 3rd Avenue N  Saskatoon SK S7K 2H6  Telephone: (306) 933-6937 Fax: (306) 933-7720</p> <p><b>Sources:</b></p> <p>The Law and the Lake: Navigating Alberta's Regulatory Framework, G. Haekel  Waterfront Living, Saskatchewan Ministry of Environment  The Planning and Development Act, 2007  The Environmental Management and Protection Act, 2002  The Land Titles Act, 2000  The Fisheries Act  The Shoreland Pollution Control Regulations, 1976  The Subdivision Regulations  The Land Surveys Regulations</p>