

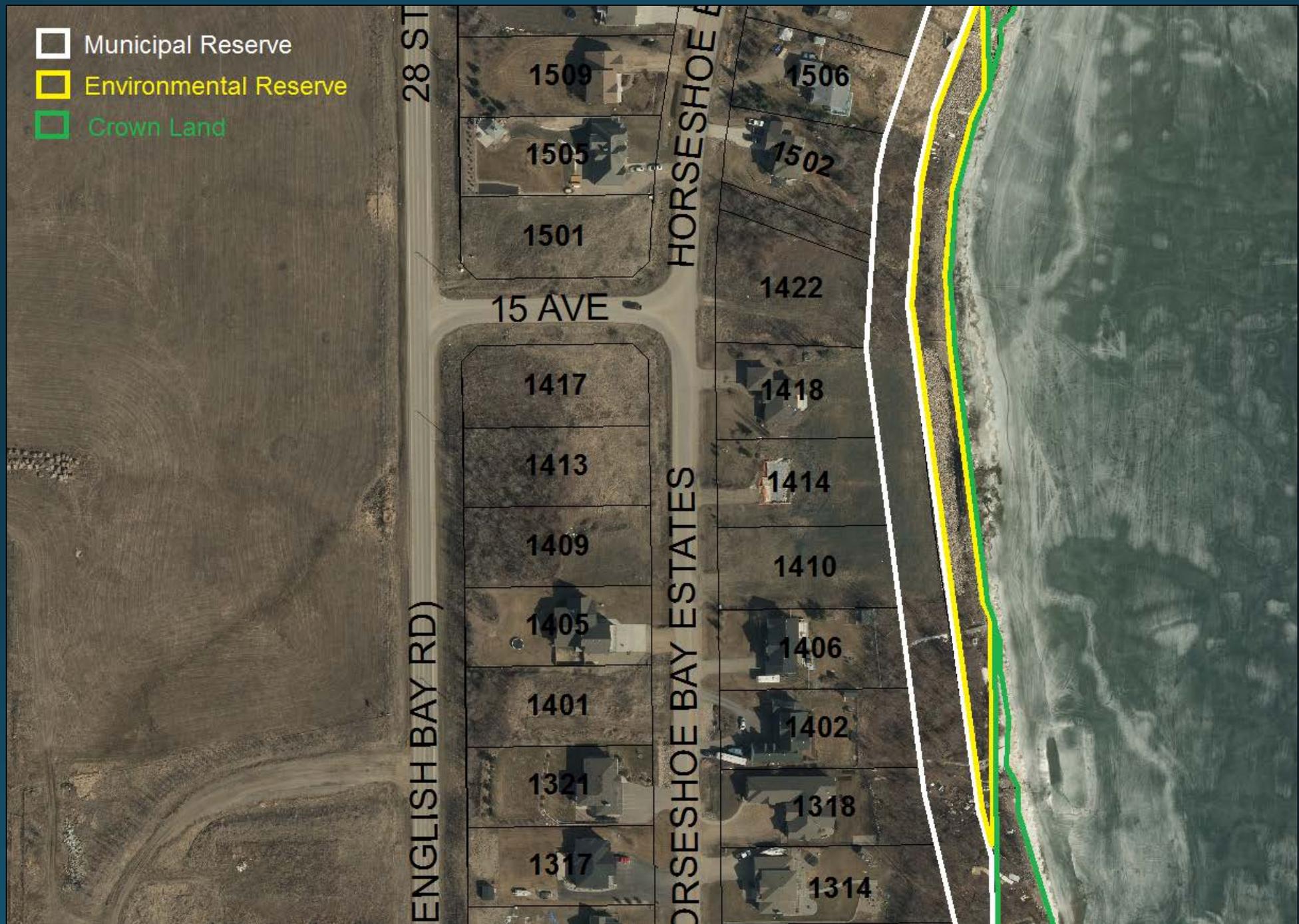
City of Cold Lake

Lakeshore Lands

Introduction

- Each year the City receives inquiries and concerns regarding access to, and the use of, lands along the shore of Cold Lake. Most recently, City Council received a delegation outlining similar concerns.
- Along most of the lakeshore, private properties are separated from the lake by City-owned Municipal Reserve and/or Environmental Reserve Lands
- The actual bed and shore of the lake are considered Crown Lands under the control of the Province through the *Public Lands Act*

-  Municipal Reserve
-  Environmental Reserve
-  Crown Land



Crown Lands (Provincial Jurisdiction)

The bed and shore of the lake fall under Provincial Jurisdiction through the *Public Lands Act* and are administered by Alberta Environment and Parks (AEP)

- AEP does not require an approval for the placement of docks and associated mooring facilities on the bed and shore of a lake or river, provided that their use is reasonable, they are temporary structures for seasonal use, and they do not interfere with navigation, water can flow under them, and they don't increase erosion or restrict the public's right of access
- At the end of the recreational season, all such structures must be completely removed from public land and stored on private property over the winter

Crown Lands (Provincial Jurisdiction)

Reasonable use is defined as:

- The balance between a riparian (lakeshore) owner's right to access, construct, place and use a temporary pier or wharf on the bed of a navigable water body for the purpose of facilitating navigation
- The rights of another adjacent riparian (lakeshore) owner
- The general public's interest, including their right of access along the shore of a Crown owned water body, navigation, etc.

Crown Lands (Provincial Jurisdiction)

- The *Public Lands Administrative Regulation* prohibits the use of wheeled or tracked conveyances on the beds and shores of a permanent and naturally occurring body of water or naturally occurring river, stream, watercourse or lake
- It should be noted that there are other provincial and federal regulations that govern the water, as well as bed and shore.
- The City of Cold Lake has invited AEP to this meeting to speak to property owners regarding any specific questions or concerns about individual properties as it relates to recent letters sent out by AEP.

What is Environmental Reserve Land? (City Jurisdiction)

The purpose and use of Environmental Reserve (ER) lands are defined by the *Municipal Government Act* as follows:

- Lands consisting of a swamp, gully, ravine, coulee or natural drainage course
- Land that is subject to flooding or may be unstable
- Land adjacent to any lake, river, stream or other body of water for the purpose of preventing pollution or providing access to the lake bed and shore
- ER land must be left in its natural state or used as a public park

What is Municipal Reserve Land? (City Jurisdiction)

The purpose and use of Municipal Reserve (MR) lands are defined by the *Municipal Government Act* as follows:

- a public park;
- a public recreation area;
- school board purposes as determined by the Minister of Education;
- to separate areas of land that are used for different purposes (buffer)

How does the City Acquire Municipal or Environmental Reserve Land?

- MR and ER lands are acquired by the City when land is subdivided to create individual lots
- The Municipal Government Act states that a municipality may require the owner of a parcel of land that is subject of a proposed subdivision to provide part of that parcel of land as municipal reserve, school reserve or municipal and school reserve (may not exceed 10%).
- These lands are, in essence, gifted to the City by the original property developer, therefore the *Municipal Government Act* restricts their use to public purposes.

Management of MR and ER Lands

- The City had previously issued temporary “grandfathering” approvals for private improvements in 1999-2000 under the *Lakeshore Environmental and Reserve Lands Policy* as an interim measure until a comprehensive management plan for the City-owned lands could be implemented
- Approvals under this policy expired after 5 years and were not an approval in perpetuity
- The *Lakeshore Environmental and Reserve Lands Policy* was rescinded by City Council in 2009 as it conflicted with the *Municipal Government Act* regulations and therefore lacked legal authority

Management of MR and ER Lands

The City is currently gathering information surrounding the ongoing management of the City-owned MR and ER lands along the lakeshore. The following must also be taken into consideration in the development of options for uses within Municipal and Environmental Reserve:

- Any options considered must comply with the *Municipal Government Act*
- Private property, such as docks, sheds, fire pits, etc., on MR and ER lands represent a potential liability risk for the City
- The public has a legislated right to access and use these lakeshore lands
- NOTE: at this time no decision regarding the future management of lands under the City's jurisdiction has been made

Questions?