When You Need Aquatic Attorneys: Real Insights on Maritime and Waterfront Law

Water Has Its Own Set of Rules

If you own waterfront property, operate a marina, or run a business that depends on navigable waters, you already know that the shoreline is a legal boundary that behaves differently from dry land. The laws that apply a few feet inland can change completely once you step onto a dock or launch a boat. That is where experience with maritime and waterfront regulation matters. I have seen people assume their general practice lawyer can handle a dock permit issue or a slip lease dispute, only to discover that state water codes, federal admiralty jurisdiction, and local shoreline master programs create a tangle that requires a specialist. The people I have watched succeed in these situations are those who found someone who lives and breathes this area of law. They found, in effect, Aquatic Attorneys.

Why Waterfront Disputes Are Different

Water does not respect property lines the way a fence does. A dock that extends a few feet too far can block a neighbor's view, interfere with navigation, or violate a submerged land lease. A marina that expands its moorage without the proper environmental review can face fines from state agencies and lawsuits from conservation groups. I once worked with a small boatyard that had operated for forty years under a handshake agreement with the original landowner. When that landowner sold the property, the new owner claimed the boatyard had no legal right to be there. The boatyard owner had no written lease, no easement, no permit history. The general practice lawyer they first hired told them they had no case. But an attorney who specialized in waterfront property law found an old state survey showing the boatyard had been in continuous use since before the current permitting system existed. That history, combined with a doctrine called prescriptive easement, gave the boatyard a fighting chance. That kind of outcome does not come from generic legal knowledge. It comes from knowing the specific statutes, case law, and agency practices that govern the water's edge.

Licensing and Permitting: The Hidden Hurdles

One of the most common mistakes I see waterfront property owners make is assuming that buying the land gives them the right to build a dock, install a boat lift, or dredge a channel. In many states, the landowner owns only to the mean high tide line or the ordinary high water mark. Everything below that belongs to the state or, in some cases, the federal government. That means anything you build in the water requires a lease or a permit from the state, and sometimes from the Army Corps of Engineers as well. The process can take months and cost

thousands of dollars. I have talked to people who spent money on engineering and materials before they even applied for a permit. Then they discovered that the agency would not approve the design because of eelgrass habitat or a buried pipeline they did not know about. An attorney who handles these applications regularly can advise you on what is feasible before you commit resources. They can also negotiate the terms of a submerged land lease so that you are not locked into an arrangement that makes future improvements difficult. That kind of foresight is one reason why property owners who work with Aquatic Attorneys tend to avoid the costly surprises that derail projects for people who try to go it alone.

Common Permitting Pitfalls

- Assuming riparian rights include the right to build a private dock without a state lease.
- Failing to check for utility easements, pipelines, or cables that cross the proposed construction area.
- Starting construction before the permit is issued, which can result in fines and an order to remove the structure.
- Ignoring local shoreline setback rules that may require a larger buffer than state or federal regulations.
- Not accounting for seasonal restrictions on in-water work to protect fish spawning windows.

Liability on the Water

Liability issues on the water are different from what you see on land. If a guest slips on your dock, the legal standard may be maritime law, not state premises liability law. If your boat damages another vessel, the rules of admiralty and maritime tort apply. I recall a case where a charter fishing boat operator had a passenger fall overboard. The passenger's family sued, and the operator's insurance company initially denied coverage because the policy had an exclusion for "navigable waters." The operator had bought the policy from a local agent who did not understand maritime insurance. The case eventually settled, but only after expensive litigation. An attorney who knows the maritime context can help you get the right insurance, draft waivers that hold up in federal court, and structure your business entity so your personal assets are not at risk if a maritime accident occurs. That is the practical side of what people mean when they say they need a specialist: someone who can see the risks before they turn into lawsuits.

Boundary Disputes and Access Rights

Boundary disputes on waterfront property are famously complex. The property line might be described in a deed from 1920 as "to a stake on the beach" or "to the edge of the marsh." Over

time, the shoreline may have changed due to erosion, accretion, or artificial fill. The legal boundary might be the historic high water mark, not the current one. I have seen neighbors fight for years over a strip of beach that both claimed, while the actual title records showed that neither owned it because the state had never conveyed that land. Resolving these disputes often requires a surveyor who understands tidal boundaries and an attorney who can interpret the legal description in the context of state law and federal common law. It is not the kind of work a general real estate lawyer does every day. It requires someone who has litigated similar cases and knows which arguments hold up in court.

Ways Aquatic Attorneys Help Resolve Boundary Conflicts

- Reviewing historical deeds and surveys to determine the original property description.
- Analyzing how erosion or accretion has changed the shoreline and whether those changes affect ownership.
- Negotiating easements or shared dock agreements to avoid litigation.
- Representing property owners in quiet title actions to establish clear ownership.

Regulatory Change and Your Business

Waterfront businesses face a moving target when it comes to regulations. State environmental agencies update their shoreline management plans every few years. The Army Corps of Engineers changes its permitting thresholds. Local governments adopt new stormwater rules that affect how you manage runoff from your marina or boatyard. A business that does not stay on top of these changes can find itself out of compliance overnight. I have seen a marina that had been operating for decades suddenly told it needed a new stormwater permit because the city had updated its municipal code. The owner had no idea the change was coming. An attorney who monitors regulatory developments can alert you to upcoming changes and help you plan your capital improvements to stay ahead of the requirements. That proactive approach is one of the best investments a waterfront business can make.

Practical Advice for Finding the Right Help

If you are dealing with a waterfront legal issue, look for an attorney who can point to specific cases or transactions they have handled that are similar to yours. Ask about their experience with the specific agency you are dealing with, whether it is the state department of natural resources, the local planning department, or the Coast Guard. A good specialist will also be honest about what they do not know. The best Aquatic Attorneys I have met are the ones who say, "I need to research that before I give you an answer," rather than pretending to know everything off the top of their head. The law is too complex for anyone to have every detail

memorized. What matters is knowing where to look and how to apply the rules to your situation.

Waterfront law is not a side practice for most attorneys. It is a niche that requires constant learning and a network of experts, from marine surveyors to hydrologists to title examiners who understand tidelands. If you find a lawyer who treats your case as just another file in a general practice, you may get a bill but not a solution. If you find someone who genuinely works in this area day in and day out, you will get advice that reflects real experience, not theory. That is the difference between a lawyer and a specialist. And when your dock, your business, or your home on the water is at stake, that difference matters more than most people realize until it is too late.