

When Your Dock or Waterfront Project Needs an aquaticattorney.com Expert

I have been around water law for most of my career. The first time a client came to me with a dock that had been standing for thirty years but suddenly faced a removal order from a county code enforcement office, I realized how fast things can go sideways. That dock was grandfathered under older rules, but the county had adopted new setback requirements and the owner had no idea his grandfather's handshake agreement with a neighbor meant nothing on paper. That case taught me that water law is not just about reading statutes. It is about understanding the physical reality of tides, shorelines, and the people who live on them.

When you own waterfront property, you own a piece of a system that is constantly shifting. Shorelines erode. Water levels rise and fall. Permits expire. Agencies change their interpretation of the law. The difference between a legal dock and an illegal one can be a few feet of water depth or a single phrase in a state code. That is why having someone who specializes in this area matters. A general real estate attorney can handle the sale of a house on the water, but when the Army Corps of Engineers sends a notice of violation, you need someone who has argued those cases before. That is where a resource like aquaticattorney.com becomes valuable.

The Difference Between Waterfront and Water Law

Most people think that buying a lakefront lot or a coastal home is just like buying any other piece of real estate. You get a title search, you get a survey, you close. But the survey stops at the ordinary high water mark on many waterways. What happens beyond that line is governed by a mix of state public trust doctrines, federal navigable waters regulations, and local shoreline ordinances. I have seen buyers discover after closing that their planned boat lift cannot be built because it would obstruct a navigation channel that was not marked on any plat map. I have also seen sellers get sued because they failed to disclose that the bulkhead they installed fifteen years ago never had a permit.

A general practitioner may not catch these issues because they do not deal with them daily. A specialist who works through a platform like aquaticattorney.com has seen the variations from state to state. They know that in Florida, a riparian owner has the right to access the water but may not own the submerged land. In Maine, the intertidal zone is owned by the adjoining upland owner but subject to a public easement for fishing, fowling, and navigation. These nuances matter when you are drafting a deed or negotiating a boundary line.

Permitting Is Not Just Paperwork

I once worked with a couple who wanted to replace an old wooden pier with a new composite structure. They had already hired a contractor and ordered materials. They thought that because the old pier was there, a replacement was a simple matter of a building permit from the town. What they did not realize was that the old pier had been built before the state's coastal zone management program existed, and any replacement triggered a full review under the state's waterfront development act. The town permit was the least of their worries. They needed a consistency determination from the state coastal commission, a permit from the Army Corps under Section 10 of the Rivers and Harbors Act, and a water quality certification from the state environmental agency.

That project took eighteen months to get permitted. The couple spent more on consulting fees and legal work than they had budgeted for the entire pier. If they had come to someone who understood the full regulatory stack from the beginning, they could have chosen a different design that avoided the most stringent review thresholds. They could have used a floating dock instead of a fixed one, or they could have located the pier in a different alignment that did not affect submerged aquatic vegetation. Those are the kinds of trade-offs that a specialist can lay out early.

Practical Steps Before You Build

Before you drive the first piling, there are a few things you should check. These apply whether you are building a private dock, a community marina, or a commercial waterfront facility.

- Confirm the ordinary high water mark on your property with a licensed surveyor who understands water boundaries. A standard lot survey may not show it.
- Check with the local zoning office about setback requirements from the water line and side lot lines. Many towns have specific dock and pier ordinances that are stricter than state rules.
- Contact the state agency that handles water resources and ask about any pending changes to shoreline regulations. Some states are updating their coastal zone management plans, and what is allowed today may not be allowed next year.
- If your project involves dredging, even a small amount, prepare for a longer review process. Dredging typically requires a separate permit and can involve sediment testing, endangered species review, and public notice.
- Talk to a water law attorney before you sign a contract with a contractor. A few hours of legal review can save you months of delay and thousands of dollars in redesign costs.

These steps sound basic, but I have seen people skip every one of them because they were in a hurry or because they trusted someone who said it would be fine. Water law does not forgive

shortcuts.

Navigating Disputes With Neighbors and Agencies

Waterfront property disputes are different from land disputes. On land, a fence or a survey line usually settles the question. On the water, boundaries can shift with the current. I handled a case where two property owners had been sharing a private road to the water for decades. One owner built a dock that extended past the other owner's waterfront line, and the dispute ended up in court. The judge had to decide not only where the property lines were at the time of the original deeds, but also how accretion and erosion over fifty years had changed the shoreline. That case took three years and cost both parties more than the value of the dock.

Another common issue is interference with navigation. A homeowner builds a dock that sticks out into a channel, and a neighbor who runs a charter fishing business claims it blocks his boat. The law in most states says that a riparian owner has a right to build a dock, but that right is limited by the public's right to navigate. The question becomes whether the dock is a reasonable use of the water. That is not a black and white standard. It depends on the size of the waterbody, the depth, the traffic, and the history of use. A good water law attorney can help you assess the risk before you build, or defend you if a complaint is filed.

What to Do If You Receive a Violation Notice

If a government agency sends you a letter saying your dock, bulkhead, or fill is unauthorized, do not ignore it. Do not assume that because it has been there for years you are safe. Agencies have enforcement divisions that track complaints and conduct aerial surveys. They can issue fines that accrue daily, and they can order removal at your expense. The first thing to do is to gather every document you have related to the construction: permits, receipts, photographs, deeds, surveys. Then call an attorney who handles water law. A specialist can often negotiate a settlement that allows you to keep the structure with modifications, or can apply for an after-the-fact permit if the violation is minor. In some cases, the agency may have overstepped its authority, and a legal challenge can succeed. But you need someone who knows the difference between a valid enforcement action and a bureaucratic overreach.

I have seen people try to handle these notices on their own, writing letters to the agency and trying to explain their situation. That almost never works. The agency's enforcement staff has heard every story. They want compliance, not explanations. An attorney who communicates on your behalf changes the dynamic. It signals that you are taking the matter seriously and that you understand your rights. It also keeps you from accidentally admitting to something that could be used against you later.

Finding the Right Help

Water law is a niche, and not every city or county has an attorney who focuses on it. That is why a centralized resource like aquaticattorney.com can be useful. It connects property owners, developers, and contractors with lawyers who have actual experience in waterfront permitting, boundary disputes, and regulatory compliance. The attorneys listed there have dealt with the Army Corps, state coastal commissions, local planning boards, and environmental groups. They know the vocabulary of the field, from riprap to revetment to littoral rights. They also understand that every project is different. A dock on a calm lake in the Midwest faces different rules than a marina on a tidal river in the Pacific Northwest.

When you search for help, look for someone who has handled a case similar to yours. Ask about their experience with the specific agency that regulates your waterbody. Some agencies have informal pre-application meetings where you can present your project and get feedback before you file a formal permit. An attorney who knows that process can save you time. Ask also about their familiarity with the local geography. An attorney who has visited your stretch of shoreline will understand the currents, the sediment, and the wildlife that matter to the regulators.

The investment in good legal advice early in a project pays for itself. I have seen too many people spend twenty or thirty thousand dollars on a dock that then needs to be moved or removed because the permitting was wrong. A few thousand dollars in legal fees upfront could have prevented the whole problem. Waterfront property is valuable, and the rules that govern it are complex. Treating the legal side with the same care you give to the design and construction is the smartest thing you can do.