

Why You Need Aquatic Attorneys for Waterfront Property Disputes

Navigating the Complexities of Waterfront Property Law

I have spent years working with property owners whose land touches a shoreline, riverbank, or lakefront. Almost every one of them assumed that owning waterfront property was straightforward. They soon discovered that the water itself creates a web of legal issues that ordinary real estate lawyers rarely handle well. The moment you deal with submerged lands, navigable waterways, or shared riparian rights, you are in a specialty that demands both legal knowledge and a feel for the physical environment. That is where the value of specialized counsel becomes clear.

When a client first came to me about a dock that a neighbor had extended into what she believed was her private cove, she had already spoken to two general practice attorneys. Both had told her the law was unclear and that she should just negotiate. What they missed was a state statute on littoral rights that gave her a clear path to remove the encroachment. That is the difference between a lawyer who reads the code and one who lives the nuances of shoreline law. The firm I work with, which focuses on these exact issues, has seen similar cases resolve quickly when the right arguments are presented early.

Waterfront disputes often involve multiple layers of regulation. Federal agencies like the Army Corps of Engineers oversee navigable waters. State environmental departments manage permits for docks, bulkheads, and dredging. Local zoning boards impose setback requirements and shoreline overlay districts. A single property owner can face three different sets of rules for one small project. General practitioners may understand one layer but miss the interplay. [Aquatic Attorneys](#) are trained to see the whole picture at once.

Take a typical scenario: a couple buys a vacation home on a lake, planning to build a boathouse. They hire a local real estate lawyer to review the deed and handle closing. The deed is clean, but the lawyer never checks the state's submerged lands leasing program. Two years later, the state sends a cease-and-desist letter, demanding the owners either remove the structure or pay for a retroactive lease plus fines. That couple could have avoided the entire mess if they had consulted someone who routinely deals with water-related permits. The cost of a short consultation is trivial compared to the expense of removal and penalties.

Riparian Rights Are Not Always What They Seem

One of the most misunderstood concepts in property law is the bundle of rights that come with owning land next to water. Many people believe that owning the shoreline means they own the

water and the land under it all the way to the center of the river or lake. That is rarely true. In most states, the public holds the underlying title to the waterbody, and the riparian owner has only a right of access, use, and reasonable enjoyment. The exact scope of those rights varies by jurisdiction and by the type of water body.

I recall a case where a landowner on a tidal creek wanted to build a private pier for his fishing boat. He had a survey that showed his property line extended into the water. He was shocked to learn that because the creek was subject to the ebb and flow of the tide, the state held the submerged lands in trust for the public. He could not exclude others from the water itself, and his pier required a permit that considered public navigation and environmental impact. The general attorney who drafted his deed had never mentioned this. An experienced firm that handles these matters would have flagged the issue at the title search stage.

That is why Aquatic Attorneys are not just for litigation. They are essential during the purchase process, when a buyer is evaluating a property's true potential and hidden liabilities. A good water-law specialist can review the property's history, check for existing permits, assess the condition of any docks or seawalls, and advise on future development limitations. That due diligence can save thousands of dollars and years of headaches.

Common Disputes That Require Specialized Knowledge

The range of conflicts that arise around water is broader than many people realize. Here are some of the most frequent issues I have encountered:

- **Encroachments**, A neighbor's dock, boat lift, or riprap extends onto your submerged land. Resolving this often requires a survey that includes underwater boundaries, which standard boundary surveys do not cover.
- **Access disputes**, A public access point is placed too close to your property, bringing unwanted noise and trespassers. You may have standing to challenge the location or require a buffer.
- **Erosion and accretion**, As shorelines shift, property boundaries can move. If your neighbor builds a groin that accelerates erosion on your side, you may have a claim for damages or an injunction.
- **Permit denials**, A government agency rejects your application for a dock or seawall, and you need to appeal the decision or seek a variance. This is a highly technical area of administrative law.

Each of these situations involves facts on the ground that a lawyer must understand physically, not just legally. For example, reading a tide chart, understanding wave energy, or knowing the difference between a bulkhead and a revetment can make or break a case. Good waterfront

attorneys either have a background in marine science or work closely with engineers and surveyors who do. I have sat in meetings where a lawyer's ability to read a bathymetric map saved the client from buying a property where the water was too shallow for the intended boat.

Environmental Regulations Are Getting Tighter

Over the past decade, state and federal agencies have become more aggressive in enforcing laws that protect wetlands, water quality, and habitat. A homeowner who replaces a failing seawall with a new concrete wall without a permit can face fines that exceed the cost of the wall. A developer who fills a marshy area without a Clean Water Act Section 404 permit can be ordered to restore the site at their own expense, plus pay penalties. The rules are complex and they change frequently. Staying current requires constant attention to regulatory updates.

In one matter I worked on, a marina operator wanted to expand his fuel dock. He had operated for forty years without any issues. New state regulations required a secondary containment system for the fuel tanks and a spill response plan. He had no idea these requirements existed. His old general counsel, who specialized in business law, had not followed the regulatory changes. We had to stop the expansion midstream, redesign the project, and negotiate a compliance timeline with the state. The delay cost him a full boating season of revenue. A firm that focuses on water-related regulatory work would have alerted him to the changes months earlier.

When You Need Litigation, You Need Experience

Not every dispute can be settled with a letter or a phone call. Some conflicts escalate into full-blown litigation. In those cases, the courtroom skills of an attorney who has tried water-law cases become critical. Judges in these cases often rely on expert testimony about hydrology, sediment transport, and ecological impact. A lawyer who has worked with those experts before knows how to ask the right questions and how to cross-examine the opposing side's witnesses.

I remember a trial where the key issue was whether a landowner's new dock obstructed navigation. The plaintiff's expert used outdated charts and a flawed methodology. Our expert used current hydrographic surveys and a computer model that showed the dock's actual effect on boat traffic. The judge ruled in our favor, largely because the evidence was clear and well-presented. That outcome would have been impossible without a legal team that understood the technical details well enough to direct the expert's work.

Finding the Right Help

If you own waterfront property or are considering buying it, do yourself a favor. Before you sign a contract, before you build anything, talk to a lawyer who handles water law every day. Ask about their experience with permits, boundary disputes, and regulatory compliance. Look for a firm that has relationships with marine surveyors and environmental consultants. The right advice early in the process can prevent most of the common problems that arise later. And if you already have a dispute, do not wait. The longer you delay, the more your legal position can erode, both literally and figuratively.