



OUR FILE

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CIRCULAR LETTER TO ALL BRITISH COLUMBIA LAND SURVEYORS

Re: Natural Boundary Definition

Recent experience in some Land Title Offices indicate that there may be interpretation problems in the definition of natural boundaries of water bodies in circumstances where there has been interference with natural processes by such activities as dam construction, land filling or excavation. The purpose of this circular is to provide some assistance to surveyors required to perform such interpretation.


The general rule is that natural boundaries are created and may be shifted over time by erosion, accretion and similar natural processes. They are not affected by construction activities, if these activities can be clearly identified. Thus, if a valley is flooded by construction of a hydroelectric dam, the natural boundary of the river remains where it was prior to dam construction. The new flood line is not a natural boundary. Similarly, if the owner of a parcel of land adjacent to a body of water elects to construct an artificial yacht basin by excavation, the natural boundary of the land remains where it was prior to construction. It does not shift to conform with a new high water mark created by construction.

Although the rule is simple in principle, it can lead to some real problems in interpretation and definition. If the present natural boundary is accurately defined by survey prior to any construction, there should be no unusual difficulty. If construction has been completed before the surveyor is on the site, the true location of the natural boundary will no longer be visible and the surveyor will have to resort to the best available evidence, which may include previous shoreline traverses, aerial photographs or similar information.

Where a surveyor has reason to believe that the existing mean high water mark of a body of water is not a natural boundary but was shifted to its current position by construction activity, he has a professional obligation to define the true position by the best available evidence. Where the current natural boundary is not visible at the time of survey, the information source used to define it must be shown on the plan.

On request of the Registrar, the Surveyor General will provide assistance in the interpretation of evidence.

Yours sincerely,



D. A. DUFFY
Surveyor General
and Director

INACTIVE