

A photograph of a stream flowing through a dense forest. The water is clear and reflects the surrounding greenery. The trees are tall and thin, with some leaning over the water. The overall scene is peaceful and natural.

Stream Encroachment

images courtesy of NJDEP

Stream Encroachment

- What is stream encroachment?
 - Stream encroachment in the Land Use Program is a term that refers to development or construction within the flood plain.



Flood Plain Regulations

- New Jersey regulates construction in the flood plain under the Flood Hazard Control Act ([N.J.S.A. 58:16A-50](#) et seq) and the implementing rules at [N.J.A.C. 7:13](#)

Flood Plain Regulations

FLOOD HAZARD AREAS

58:16A-50. Short title; declaration of policy

a. This act shall be known and may be cited as the "Flood Hazard Area Control Act."

b. It is in the interest of the safety, health, and general welfare of the people of the State that legislative action be taken to empower the Department of Environmental Protection to delineate and mark flood hazard areas, to authorize the Department of Environmental Protection to adopt land use regulations for the flood hazard area, to control stream encroachments, to coordinate effectively the development, dissemination, and use of information on floods and flood damages that may be available, to authorize the delegation of certain administrative and enforcement functions to county governing bodies and to integrate the flood control activities of the municipal, county, State and Federal Governments.

So what is the Flood Plain?

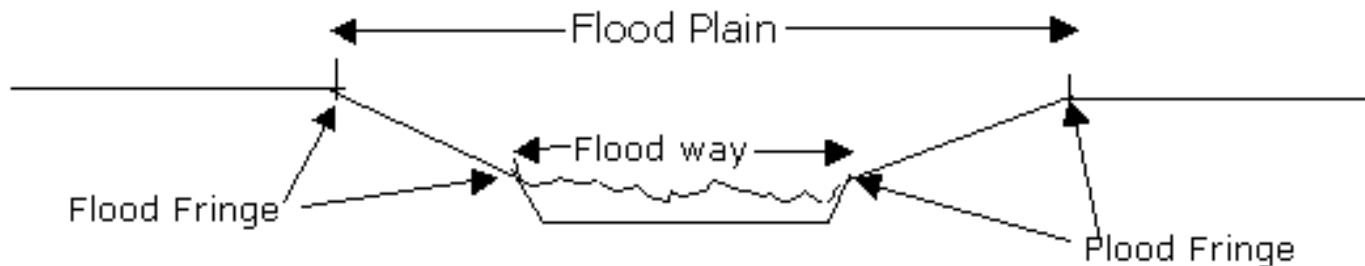
- The flood plain is the area next to a body of water, such as a stream, lake, or pond, that floods when it rains. The extent of the flood plain is determined by the area that would flood in a 100 year storm.
 - A 100 year storm is a storm that has a 1 in 100 chance of occurring during any particular year. It does not mean that these storms occur one every 100 years, but that each year there is a 1% chance of a storm of this magnitude occurring

Why does the Flood Plain matter?

- There are two main reasons the state regulates work in the flood plain.
 1. To minimize losses due to the estimated \$3 billion dollars in flooding damage that occurs in the US each year.
 2. To minimize the effects of the planned waterfront development on other buildings within the floodplain. If your building displaces flood waters, those waters will result in a higher flood for the surrounding areas.

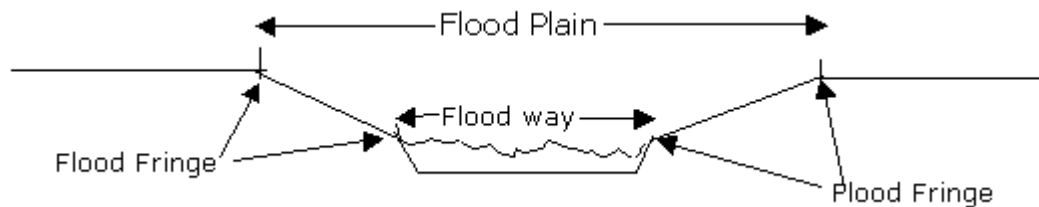
Definitions

- **The floodway** - The area of the flood plain that includes the stream bed, and usually extends to the banks or beyond. It is the area where water moves fast and is deep.
- **The flood fringe** - The area where waters are slow and still



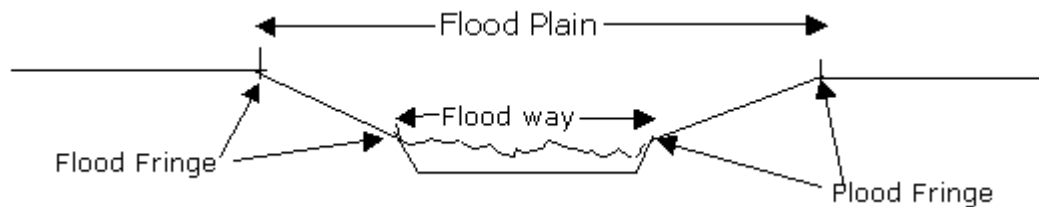
Construction

- Building in the floodway blocks flowing water. This can back up water upstream and worsen flooding



Construction

- Building in the flood fringe prevents the spreading out of water. This makes flow faster and increases downstream flooding.



How to Determine if a Property is in the Flood Plain

- Every body of water has a flood plain.
 - If there is a stream, lake, pond, or river on or near the property, it is likely in a flood plain.
 - If the land near the water body is flat it is more likely to be in the flood plain.
 - If there are steep slopes around the water bodies, the flood plain may be smaller and more restricted.

Mapping the Flood Plain

- Many of the flood plains for large streams and rivers have already been mapped. These maps are part of the Flood Insurance Program, and are called Federal Flood Insurance Maps.

Obtaining Flood Plain Maps

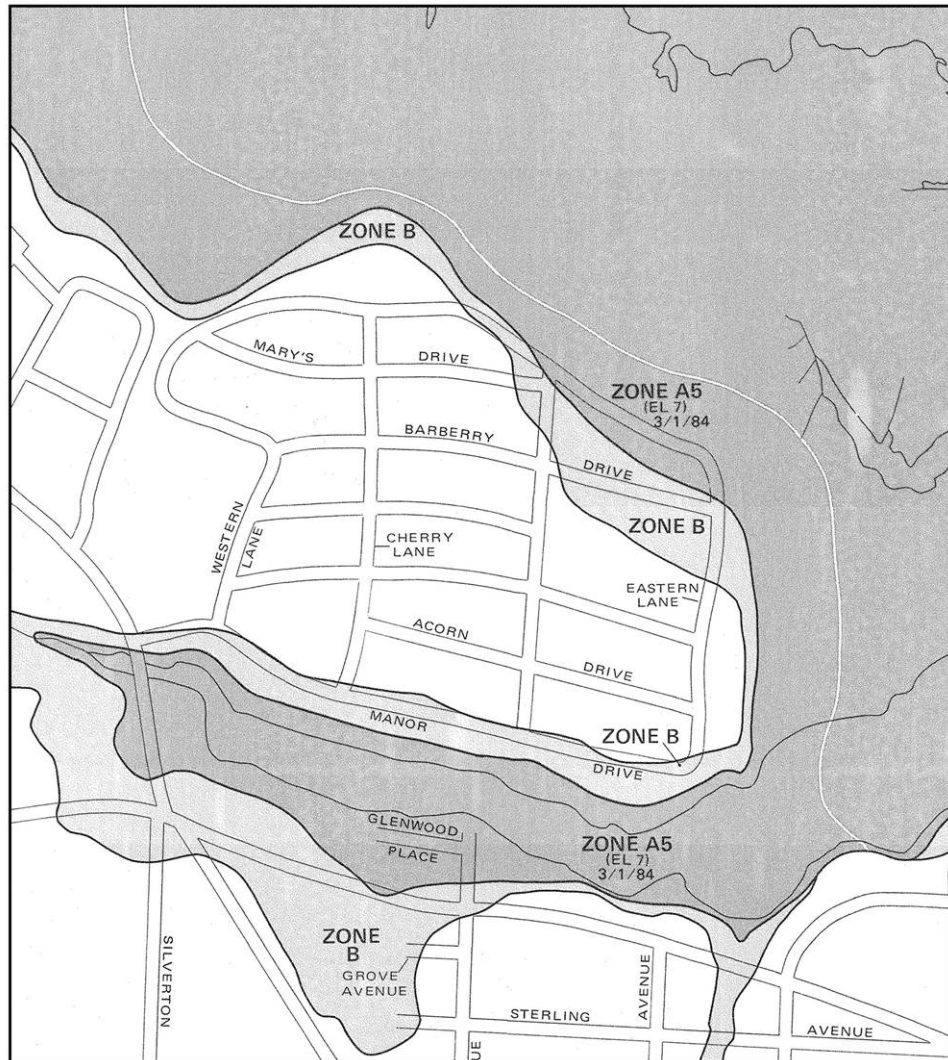
- These maps are available at municipal offices. Some of them are also available from the website of the Federal Emergency Management Agency (FEMA) at:

www.msc.fema.gov

- You can search for maps by address on the site by clicking on the FEMA Flood Map Store icon.



Sample Flood Insurance Map



NATIONAL FLOOD INSURANCE PROGRAM


**FIRM
FLOOD INSURANCE RATE MAP**

**TOWNSHIP OF
BRICK,
NEW JERSEY
OCEAN COUNTY**

PANEL 4 OF 7
(SEE MAP INDEX FOR PANELS NOT PRINTED)

**COMMUNITY-PANEL NUMBER
345285 0004 C**

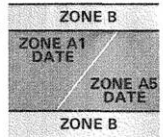
**MAP REVISED:
MARCH 1, 1984**



Federal Emergency Management Agency

KEY TO MAP

500-Year Flood Boundary	
100-Year Flood Boundary	
Zone Designations* With Date of Identification e.g., 12/2/74	
100-Year Flood Boundary	
500-Year Flood Boundary	
Base Flood Elevation Line With Elevation In Feet**	
Base Flood Elevation In Feet Where Uniform Within Zone**	(EL 987)
Elevation Reference Mark	RM7x
Zone D Boundary	
River Mile	•M1.5



***EXPLANATION OF ZONE DESIGNATIONS**

ZONE	EXPLANATION
A	Areas of 100-year flood; base flood elevations and flood hazard factors not determined.
A0	Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; average depths of inundation are shown, but no flood hazard factors are determined.
AH	Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; base flood elevations are shown, but no flood hazard factors are determined.
A1-A30	Areas of 100-year flood; base flood elevations and flood hazard factors determined.
A99	Areas of 100-year flood to be protected by flood protection system under construction; base flood elevations and flood hazard factors not determined.
B	Areas between limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood. (Medium shading)
C	Areas of minimal flooding. (No shading)
D	Areas of undetermined, but possible, flood hazards.
V	Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors not determined.
V1-V30	Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors determined.

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

Mapping the Flood Plain

- Many of the flood plains of smaller streams, lakes, and ponds are not included on the Flood Insurance maps.
- If it is not already mapped, a determination is free through the DEP. A jurisdictional determination, or JD, can be obtained by contacting the NJ DEP representative in your county.

Contacts for JD's at NJ DEP

–Contacts for stream encroachment activities in the following counties:

– (609) 984-0162

- Ocean
- Camden
- Monmouth
- Gloucester
- Burlington
- Salem
- Atlantic
- Cumberland
- Cape May

– (609) 984-0194

- Hunterdon
- Mercer
- Middlesex
- Union
- Sussex
- Warren
- Bergen
- Passaic
- Morris
- Union
- Essex
- Hudson

Does being in the Flood Plain mean nothing can be built?

- Building in the Flood Plain requires a permit. There are two types, major and minor



Does being in the Flood Plain mean nothing can be built?

- **Minor Permits** - a minor permit is required if the flooding impacts are easy to determine, or if the impacts will be minor.
 - Examples:
 - Utility Lines
 - Single Family Homes

- **Major Permits** - a major permit is required if the flooding impacts or project are complex or difficult to determine without substantial calculations
 - Examples
 - Roads over streams
 - Complex projects

Applying for a permit

- If you need to apply for a permit, you may do so by obtaining a form from the NJ DEP website at <http://www.state.nj.us/dep/landuse/forms/index.html#SE>
- In addition, you will most likely have to hire an engineer to do drawings of the proposed work and, in the case of a major permit, do the calculations of upstream and downstream effects.

Stream Buffers

- Some streams have additional buffers that with extra protections
 - Category One Waters - 300 foot if stormwater management applies
 - 50 foot if sw management does not apply
 - C1 designation "targets waterbodies that provide drinking water, habitat for Endangered and Threatened species, and popular recreational and/or commercial species, such as trout or shellfish. Waterways can be designated Category One because of exceptional ecological significance, exceptional water supply significance, exceptional recreational significance, exceptional shellfish resource, or exceptional fisheries resource. " (NJDEP)
 - Trout waters - 50 foot
 - Threaten or Endangered Species - 50 foot
 - Acid Producing Soils - 50 foot
 - Other waters - 25 foot

<http://www.nj.gov/dep/cleanwater/c1.html>

Stream Buffers

- The Stream Encroachment Administrative Checklist, found at <http://www.state.nj.us/dep/landuse/forms/chkstream.doc> is required for permits and guides you through the requirements for obtaining one

- This is the end of the Stream
Encroachment section of module 4. The
rest of module 4 will focus on Tidelands.



TIDELANDS REGULATIONS

**TIDELANDS ARE LANDS NOW OR
FORMERLY FLOWED BY THE MEAN HIGH
TIDE**

(Mean High Tide = The level to which the water rose on an average day over a previous period of time - i.e. years or decades).

**TIDELANDS IN NEW JERSEY ARE FOUND
IN ALL COUNTIES EXCEPT WARREN,
HUNTERDON, SUSSEX AND MORRIS**

Riparian

Definition: Riparian means located by the banks of a river, stream, or other body of water.



Tideland Areas

- The state owns all Tide Flowed lands as Public Trusts Lands.
- Use of these areas is granted through a tidelands grant, license or lease
- These areas are not private property – i.e. A homeowner's dock may be private property, but the tideflowed land it sits on may be state owned.
- Property ownership in riparian areas may be regulated by the Bureau of Tidelands Management.



Bureau of Tidelands Management

609 – 292-2573

<http://www.state.nj.us/dep/landuse/tideland.html>

Richard G. Castagna, Acting Manager

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Laws & Regulations

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Tidelands Program

The following eight basic questions and answers are a start to understanding tidelands. Much more detailed information is available from the [Tidelands Literature](#) that can be downloaded at the end of this page or by contacting:

Jo Ann Cubberley, C.P. (ASPRS), Manager
Bureau of Tidelands Management
(609) 292-2573

BASIC QUESTIONS & ANSWERS

1. [What are tidelands?](#)
2. [Who owns the tidelands?](#)
3. [What are riparian rights?](#)
4. [What is a tidelands grant?](#)
5. [What is a tidelands license?](#)
6. [What is a tidelands lease?](#)
7. [What is a Statement of No Interest?](#)
8. [What do I need to obtain a grant, lease, license or Statement of No Interest?](#)

1. **What are tidelands?**

Tidelands, also known as riparian lands, are all those lands now or formerly flowed by the mean high tide of a natural waterway. Generally, the State does not own artificial waterways, such as lagoons. However, the State does claim those lands within a lagoon that were flowed by the mean high tide of a natural waterway which existed prior to the alteration.

The Riparian Laws

- New Jersey Statute 12:3 1 to 28
- New Jersey Statute 13:1B-13.1 to 13.14

The screenshot shows the New Jersey Legislature website. The top navigation bar includes links for home, site map, what's new, faq, links, help, and contact us. The main content area is divided into several sections:

- GENERAL INFO:** Our Legislature, Legislative Process, Historical Info, Public Info Assistance, Kids' Page.
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- LAWS and CONSTITUTION:** Statutes, Chapter Laws, Constitution.
- RULES:** Senate, General Assembly.
- ETHICS:** Conflicts of Interest Law, Code Of Ethics, Financial Disclosure.

The central section displays the date **Monday, January 23, 2006** and the time **the time at the State Capitol is 2:39:48 PM**. It features a "Live Proceedings" section with a video player and a "BUDGET INFORMATION" section with links to OLS Budget Analyses, Department Testimony, and Department Responses and Public Testimony.

On the right side, there is a "Bill Search" section with a search form for NJ State Legislative Session Bills. The form includes fields for Bill Number(s), Legislative Session (set to 2006-2007), Subject, Sponsor, Keyword, Last Date Of Action, and Governor's Action. A "Session Schedules" section is also present, with links to Senate Sessions and Assembly Sessions.

At the bottom, there is a "Legislative Schedule" section for Monday, January 23, 2006. It includes a table with columns for time and location, and a "select a date to view the schedule" dropdown menu.

These statutes can be found online at:

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Legislative Schedule
For changes in Legislative Schedule due to snow or other emergencies, call 800-792-8630 (toll-free in NJ) or 609-292-4840

Monday, January 23, 2006

Senate Judiciary	10:00 AM	Committee Room 4, 1st Floor, State House Annex, Trenton, NJ
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Select a date to view the schedule.

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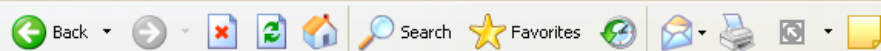
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Learn how a Bill becomes Law in New Jersey.

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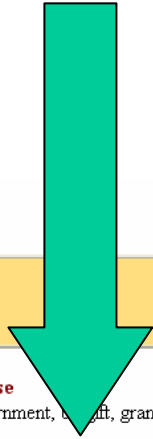
Scroll to 12:3 - 1

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TITLE 12 COMMERCE AND NAVIGATION

12:2-22. Preservation of Barnegat lighthouse



12:2-22. Preservation of Barnegat lighthouse

The board may acquire from the federal government, by gift, grant, purchase or in any other lawful manner, the Barnegat lighthouse and curtilage, situate near Barnegat City, and provide for the preservation of the same.

12:3-1. Commissioners to make survey and report as to riparian lands, etc.

P.L. 1864, c. 391, p. 681 (Rev. 1877, pp. 981, 982, s.s. 1 to 6; C.S. pp. 4383, 4384, s.s. 1 to 7), entitled "An Act to ascertain the rights of the state and of the riparian owners in the lands lying under the waters of the bay of New York, and elsewhere in the state," approved April eleventh, one thousand eight hundred and sixty-four, saved from repeal [This act provides for the appointment of a board of commissioners to cause to be made surveys of the lands lying under the waters of the bay of New York, of the Hudson river and the lands adjacent thereto, the Kill von Kull, Newark bay, Arthur Kill, Raritan bay and the Delaware river opposite to the county of Philadelphia, not theretofore granted by the state; to ascertain the state's rights in the same and the value thereof; to fix the exterior line beyond which no permanent obstruction should be permitted and to report to the legislature and recommend a plan for the improvement, use, renting or leasing of said lands with maps of said lands showing the said exterior line, the lines of existing piers, etc., and any grants of such lands not then occupied, with other appropriate information.]

12:3-2. Establishment of exterior bulkhead and pier lines in tidewaters of Hudson river, New York bay and Kill von Kull

The bulkhead line or lines of solid filling and pier lines in the tidewaters of the Hudson river, New York bay and Kill von Kull, lying between Enyard's dock, on the Kill von Kull, and the New York state line, so far as they have been recommended and reported to the legislature by the commissioners appointed under the act entitled "An act to ascertain the rights of the state and of the riparian owners in the lands lying under the waters of the bay of New York, and elsewhere in the state," approved April eleventh, one thousand eight hundred and sixty-four (L. 1864, c. 391, p. 681), by report bearing date February first, one thousand eight hundred and sixty-five, are hereby adopted and declared to be fixed and established as the exterior bulkhead and pier lines between the points above named, as such exterior bulkhead and pier lines so fixed, established and adopted are shown upon the manuscript maps, accompanying said report, and filed in the office of the secretary of state, except as said lines have been or may hereafter be changed pursuant to section 12:3-13 of this title and except said lines drawn on said maps over or upon lands within the boundaries of the grant made to the Morris Canal and Banking Company by the act entitled "A further supplement to the act entitled "An act to incorporate a company to form an artificial navigation between the Passaic and Delaware rivers," passed December thirty-first, eighteen hundred and twenty-four," approved March fourteenth, one thousand eight hundred and sixty-seven (L. 1867, c. 133, p. 251).



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Navigate also to 13:1B -13.1 to 13.14 for further riparian statute language



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(UPDATED THROUGH P.L. 2005, c.311, AND JR 8.)

TITLE 13 CONSERVATION AND DEVELOPMENT-PARKS AND RESERVATIONS

13:1B-8. Director of Division of Resource Development

13:1B-8. Director of Division of Resource Development

The Division of Resource Development shall be under the immediate supervision of a director, who shall be a person qualified by training and experience for the work of such division. The director of such division shall be appointed by the Governor, with the advice and consent of the Senate, and shall serve during the term of office of the Governor appointing him or her. His or her successor is appointed and has qualified. He shall receive such salary as shall be provided by law.

The director shall administer the work of such division under the direction and supervision of the commissioner, and shall perform such other functions as the department as the commissioner may prescribe.

L. 1948, c. 448, p. 1788, s. 8. Amended by L. 1961, c. 47, p. 498, s. 4, eff. July 1, 1961.

13:1B-10 Tidelands Resource Council.

10. There shall be within the Department of Environmental Protection a Tidelands Resource Council, which shall consist of 12 members. Each member of the council shall be appointed by the Governor, with the advice and consent of the Senate, for a term of four years and shall serve until a successor has been appointed and has qualified.

At least nine of the council members shall be residents of counties wherein riparian lands are located and have been mapped. A person who is a member of the council on the effective date of P.L. 1997, c. 239 (C. 12:3-12.1 et al) shall not be removed from the council for failing to meet the aforementioned residency requirements, but may be reappointed by the Governor at the expiration of that term only if that reappointment would comply with the residency requirement for the council set forth in this section.

Each Governor shall designate one of the members of the council as chairperson and one of the members as vice-chairperson. Any member of the council so designated shall serve as chairperson or vice-chairperson at the pleasure of the Governor designating that member and until a successor has been designated. The chairperson of the council shall be its presiding officer and the vice-chairperson shall act as chairperson in the chairperson's absence.

Any vacancies in the membership of the council occurring other than by expiration of term shall be filled by the Governor, with the advice and consent of the Senate, for the unexpired term only. Any member of the council may be removed from office by the Governor for cause, upon notice and opportunity to be heard. A member of the council may be removed from office by a majority vote of the membership of the council upon failure of that member to attend three consecutive meetings of the council without good cause.

The members of the council shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties.

L. 1948, c. 448, s. 10, amended 1961, c. 47, ss. 6, 17; 1987, c. 438; 1997, c. 239, s. 4.

13:1B-13 Approval of riparian leases, grants.

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The Tidelands Act: Online

http://www.state.nj.us/dep/landuse/12_3.pdf

**TITLE 12. COMMERCE AND NAVIGATION
CHAPTER 3. RIPARIAN LANDS
ARTICLE 1. LEASES, GRANTS AND CONVEYANCES
A. IN GENERAL**

Current through L.1998 c. 153

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Tideland Instruments

(All must be approved by the Tidelands Resource Council)

- **GRANTS:** Sale of the state title interest of generally formerly tide-flowed areas
- **LICENSES:** Rental agreement for presently tide-flowed areas
- **LEASES:** Long term rental agreement – i.e. homes over the water

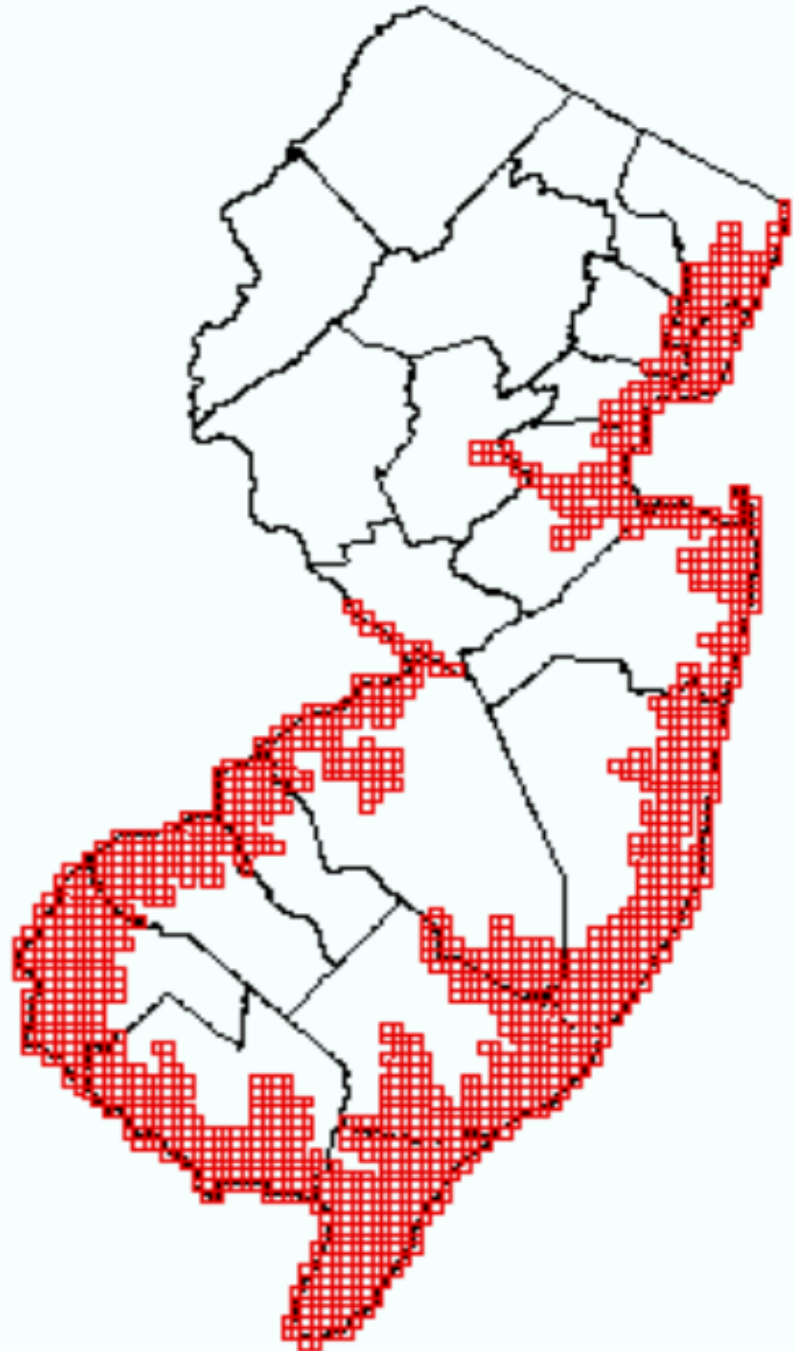
Tidelands Agreements

(All must be approved by the Tidelands Resource Council)

- **STATEMENTS OF NO INTEREST :** A document stating that the State of New Jersey agrees that it has no tidelands ownership interest in your property
- **NOTICES OF TITLE ACTION (LIENS):** Serves as notice in any search there is a problem. A notice will be filed if payments are delinquent or if there is no response to a violation.

This GIS image shows the Tidelands grid along the coast of the state.


Note: The continuation of the grid up into the river systems of the state.



Download GIS Coverage

<http://www.state.nj.us/dep/gis/tidelandsshp.html>

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 **new jersey**
department of environmental protection

GIS bureau of **geographic information systems**

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NJDEP Digital Data Downloads in ArcView Shape file format:

Tidelands:

The Tidelands claims line depicts areas now or formerly flowed at or below mean high tide. Since the mean high water line may change because of rises in sea level, the line does not represent the current mean high water line. Rather it depicts the mean high water line at the time of mapping and the historic mean high water line predating artificial alterations. The Tidelands claim line was originally mapped and promulgated on 1628 individual maps produced at a scale of 1:2400. The individual maps were subsequently merged together to produce the tidelands region shapefiles presented here. These region files were created to be used only as resource data sets to more easily identify those areas claimed under the tidelands program. **They are not to be considered the official tidelands claim lines.** Only the actual promulgated tidelands maps, at the production scale of 1:2400, can be used to locate the legally valid tidelands riparian claim line. For questions concerning possible tidelands claims, contact the Bureau of Tidelands as indicated in the accompanying metadata.

[View a map of the Tidelands Regions.](#)

SELECT A REGION

- SELECT A REGION
- Atlantic Central Region
- Atlantic North Region
- Atlantic South Region
- Delaware Central Region
- Delaware North Region
- Delaware South Region
- Raritan-Hudson Region

Atlantic Central Region - [atl_central.zip](#) (25,497 KB, 96,104 KB unzipped)

[back to top](#)

Atlantic North Region - [atl_north.zip](#) (23,713 KB, 80,038 KB unzipped)

[back to top](#)

FAQ's about Tidelands:

What are riparian rights?

- Riparian rights are the rights of owners adjacent to tidelands to be the first person to request to use those areas. These lands are owned by the people of the State of New Jersey. You must first get permission from the State to use these lands, in the form of a tidelands license, lease or grant, and you must pay for this use.

What is a tidelands grant?

- A tidelands grant is a deed from the State of New Jersey selling its tidelands. Tidelands grants are generally only issued for lands already filled in and no longer flowed by the tide.

What is a tidelands license?

- A tidelands license is a short term revocable rental document to use tidelands, generally for structures such as docks, mooring piles and other temporary structures, as well as dredging projects. Licenses have a specific term, presently seven years.

What is a tidelands lease?

- A tidelands lease is a long term rental document to use tidelands, generally issued to marinas or homes over water. The term of a tidelands lease is generally 20 years.

What is a Statement of No Interest?

- A recordable document in which the State of New Jersey agrees that it has no tidelands ownership interest in your property. The reason may be that the State sold its tidelands, or that there is no ownership claim on your property.

FAQ's Online

<http://www.state.nj.us/dep/landuse/pamphlet.pdf>



New Jersey's Tidelands

Frequently Asked Questions and Answers

State of New Jersey
Department of Environmental Protection
Bureau of Tidelands Management
P. O Box 439
Trenton, NJ 08625-0439
Phone #609-292-2573
FAX #609-633-6493

Let's protect our earth



* This is a very
valuable
document to
download!

Here is a typical Tidelands map showing Newark-Liberty Airport and Port Newark area...formerly flowed tidelands are indicated as red lines



U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

FOOTNOTES:
1. THIS MAP IS A REPRODUCTION OF A MAP
2. THE BUREAU OF LAND MANAGEMENT
3. THE BUREAU OF LAND MANAGEMENT

TIDELANDS MAP 672-01-06

0 100 200 300 400 500
FEET





Note again
Tidelines map
showing areas
that are currently
developed, but
were once
previously flowed
by the tide. This
is a very good
example why
many property
owners do not
know they are
regulated under
Tidelands.

Determining a Tidelands Claim

- Ask yourself, does the State have a Tidelands Title or have Tidelands interest on a property?
- To assist you in determining the status of Tidelands ownership – Send a fax or mail a request to the **BUREAU OF TIDELANDS MANAGEMENT** and ask for a “**DETERMINATION OF TIDELANDS OWNERSHIP INTEREST**”

(Must include tax lot and block numbers, municipality, county, nearest waterway, and a locator map (tax map, topo, survey, etc.) with the site clearly marked.)

FAX 609-633-6493

TO INVESTIGATE TIDELANDS CLAIMS

COPIES OF TIDELANDS MAPS ARE AVAILABLE IN
COUNTY AND MUNICIPAL OFFICES, THE SECRETARY
OF STATE, BUREAU OF TIDELANDS MANAGEMENT
AND COASTAL ENFORCEMENT OFFICE IN TOMS
RIVER

Tidelands: (609) 292-2573
Coastal Enforcement (Toms River): (732- 255-0787)

Or – Consult
this
document



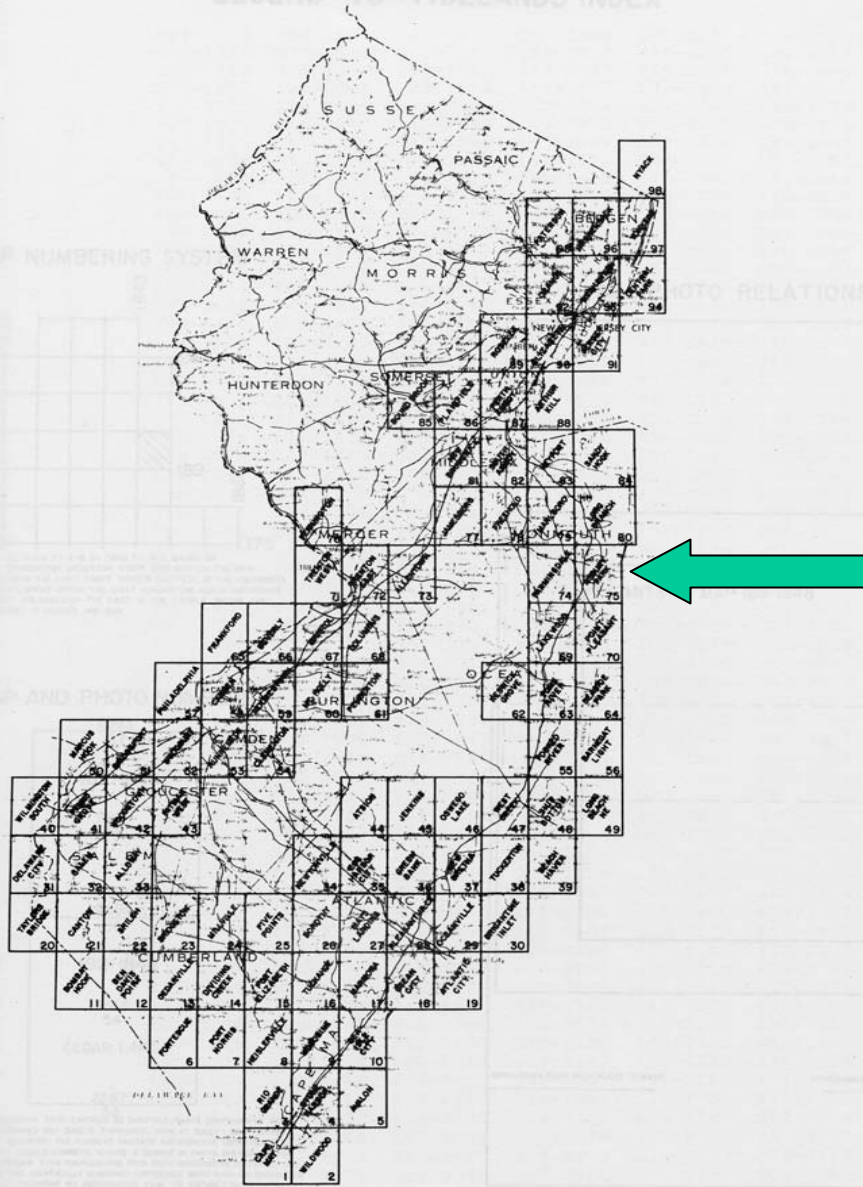
Available
through the
Bureau of
Tidelands
Management

**INDEX
LANDS SUBJECT TO INVESTIGATION
FOR
AREAS NOW OR FORMERLY
BELOW MEAN HIGH WATER**

**PREPARED FOR THE
TIDELANDS RESOURCE COUNCIL
BY
STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION**



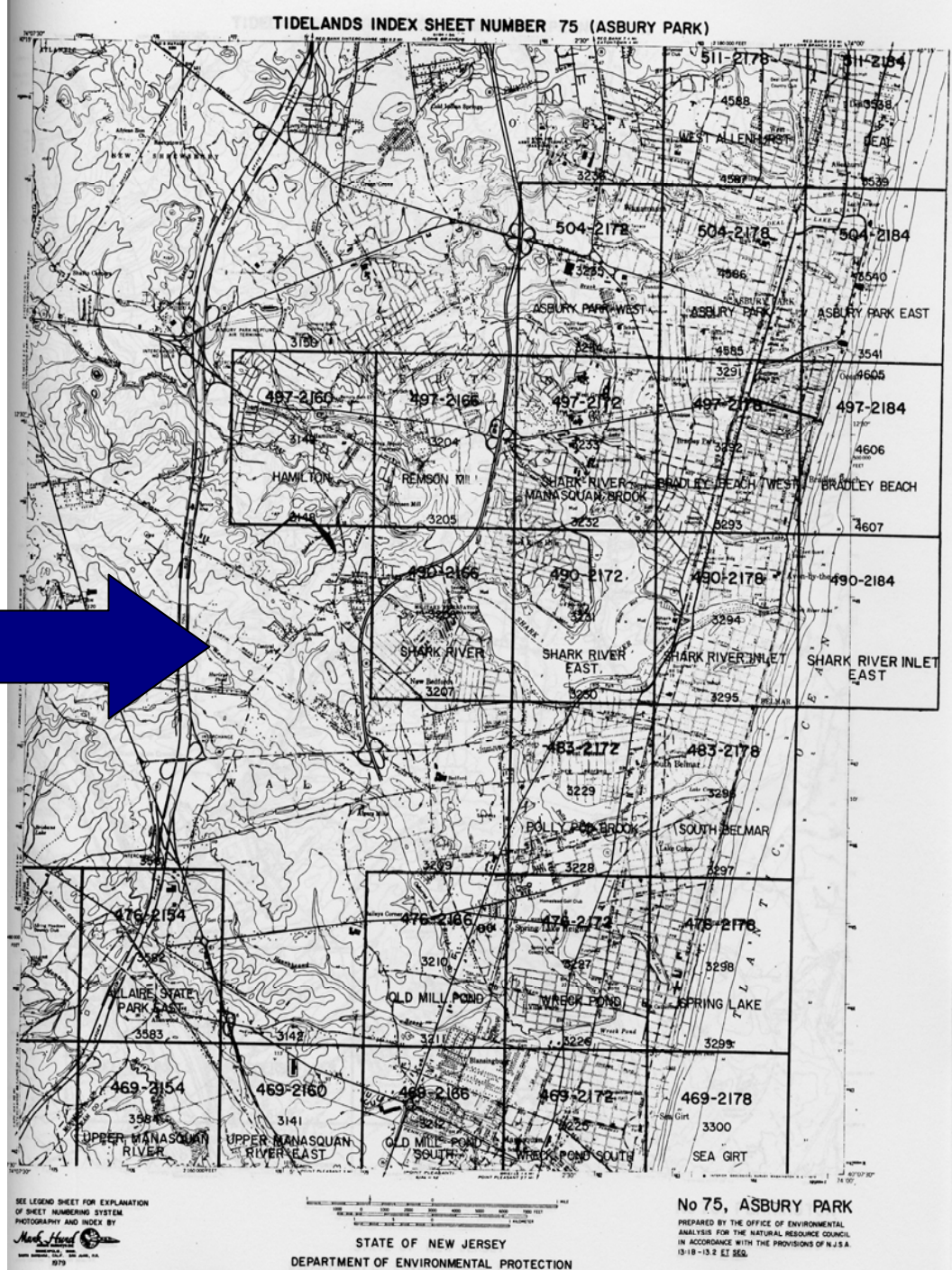
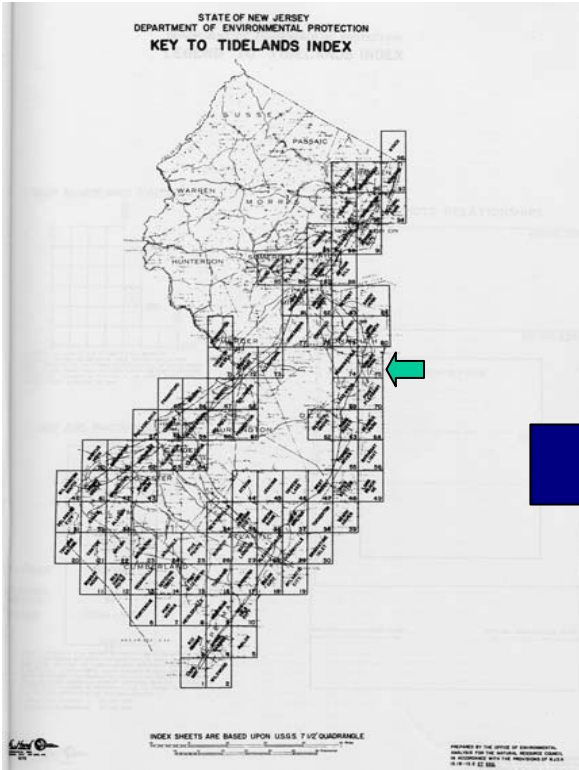
STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
KEY TO TIDELANDS INDEX



Use the key within the Index to locate your specific area (i.e. Area 75 – Asbury Park)

INDEX SHEETS ARE BASED UPON U.S.G.S. 7 1/2' QUADRANGLE

PREPARED BY THE OFFICE OF ENVIRONMENTAL ANALYSIS FOR THE NATURAL RESOURCE COUNCIL IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 13.18-13.2 ET SEQ.



From the Key you can go to a larger image of the area you are interested in

To Request copies of Tidelands Maps or the Tidelands Map Index:

Write to:

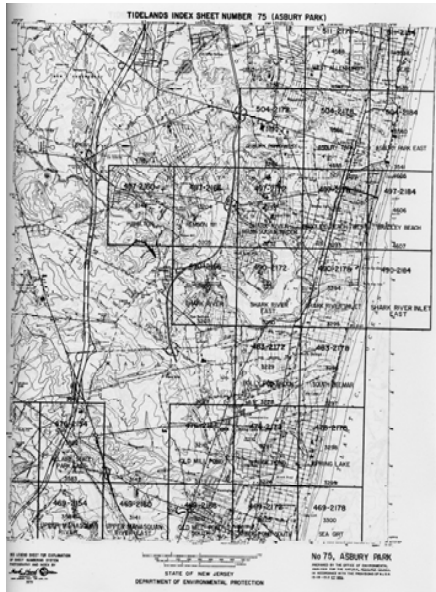
The Division of Land Use Regulation
Bureau of Tidelands Management

PO Box 439

Trenton, NJ 0862

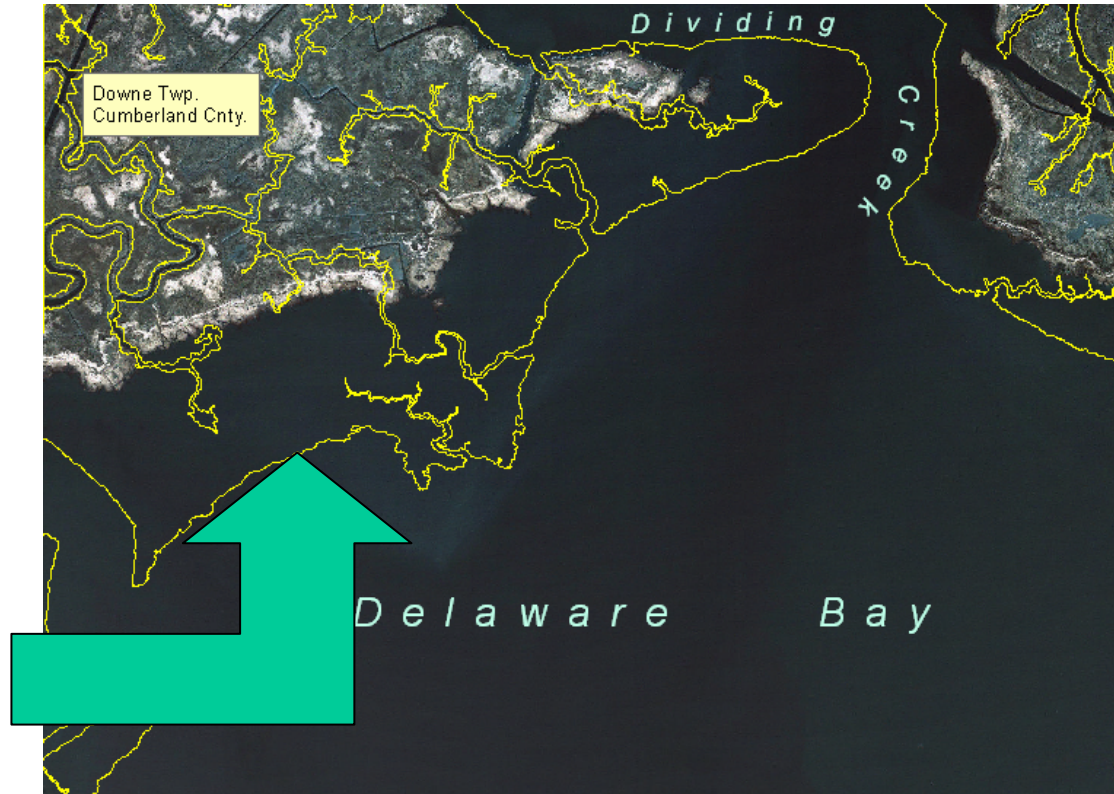
- Or -

Call: 609- 292-2573



NATURAL EVENTS

In the case of erosion, the title to lands that slowly erode, shifts to the state.



NATURAL EVENTS

In the case of accretion, the title to lands that slowly builds up, shifts to the upland owner.



Tidelands License

- A short term revocable rental document to use tidelands, generally for structures such as docks, mooring piles and other temporary structures, as well as dredging projects.
- Licenses have a specific term, presently seven, with an annual fee – minimum fee is \$100.00
- In lagoon areas, licenses are required for areas intersected by former tidal streams

APPLICATION Instructions for all Tidelands Conveyances

<http://www.state.nj.us/dep/landuse/appinst.pdf>

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
LAND USE REGULATION PROGRAM
BUREAU OF TIDELANDS MANAGEMENT
P. O. BOX 439
TRENTON, NEW JERSEY 08625-0439

INSTRUCTIONS FOR ALL APPLICATIONS FOR TIDELANDS CONVEYANCES

GENERAL INFORMATION:

1. Notice is hereby given to all applicants that the State is under NO obligation to make a grant, lease or license or any type of conveyance.
2. No work of any kind may be performed on the State's lands unless and until a grant, lease or license is delivered.
3. A waterfront development or other type of Land Use permit may be required to perform said work. If a permit is required, permits must also be obtained before commencing work.
4. Current practice is to issue grants only where there is a historical tidelands claim on the subject property. The Tidelands Resource Council may decide to grant presently flowed tidelands when the area is now part of an artificial waterway and within the record title of the applicant. Long term leases may be issued in cases where there is a house over tidal water or a marina or other commercial structure occupies presently flowed lands. For structures extending into tidal water (piers, floating docks, pilings etc.) a riparian (tidelands) license is the appropriate instrument. Marina license applications have additional filing requirements. For pipelines, outfalls, electrical transmission lines (submerged and aerial) and communication cables (submerged and aerial) a one-fee license or easement may be obtained. Applicants for marina licenses or one-fee licenses should contact the Bureau for specific application packages.
5. The Tidelands Resource Council requires that applicants provide a Certified Shorthand Reporter (CSR) for the Council meeting if the application is contested. A contested application is one where objectors indicate an intention of attending the Council meeting. A transcript of only that portion of the meeting for the individual application will be required to complete the file. Staff will inform applicants when a CSR is required.
6. If you have any questions regarding these application instructions or completing the forms, please call this office at (609) 292-2573.

Tidelands License Application

<http://www.state.nj.us/dep/landuse/licform.pdf>

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
LAND USE REGULATION PROGRAM
BUREAU OF TIDELANDS MANAGEMENT
P. O. Box 439
TRENTON, NEW JERSEY 08625-0439

APPLICATION FOR LICENSE OR EASEMENT

DATE _____

FILE # _____

Application is hereby made, in accordance with N.J.S.A. 13:1B-13 and N.J.S.A. 12:3-10 for a revocable license to use and occupy State's lands under water; subject to such terms and conditions contained therein or as may be imposed by law.

APPLICANT

1. NAME (Mr./Mrs./Ms.) _____
2. ADDRESS _____
3. BUSINESS _____
4. PHONE # _____

WHERE LICENSE IS LOCATED

5. CITY OR MUNICIPALITY _____
6. COUNTY _____
7. NAME OF WATERWAY _____
8. LOT & BLOCK _____

INTENDED USE

9. _____

NAME AND ADDRESS OF THE UPLAND AND ADJOINING OWNERS

10. _____

License Application Requirements

1. Application Form
2. Recorded Deed
3. Affidavit of Title
4. Agent's Authorization Form
5. Survey copies
6. LURP #1 form or issued permit and approved plan

(The LURP #1 is proof of a permit application, but license application will not go to the Tidelands Resource Council until an actual permit is issued or a signed statement a permit is not required is received.)

Tidelands License Assignments

When property ownership changes, the current license can be re-assigned.....

Unless:

1. A license is delinquent
2. If a license is about to expire or renew

Tidelands Licenses and Marinas



- The fee for the license is based on the potential income from affected slips in Tidelands areas.
- Marinas pay their license fee in 2-payments a year : the 1st in June and the 2nd in September.
- With the 2nd payment, the marina must submit a certified report stating actual income.

MARINA OWNERS'/RENTAL SLIP PROPERTY OWNERS' CERTIFICATION

<http://www.state.nj.us/dep/landuse/mipform.pdf>

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
LAND USE REGULATION PROGRAM
BUREAU OF TIDELANDS MANAGEMENT
P. O. Box 439
TRENTON, NEW JERSEY 08625-0439

MARINA OWNERS'/RENTAL SLIP PROPERTY OWNERS' CERTIFICATION

This form is to be signed, notarized and attached as the last page of each income report submitted to the Bureau of Tidelands Management. This form must be signed by the marina owner/rental slip property owner personally.

Tidelands File Number: _____

I certify that the foregoing statements and information provided by me are true. I am aware that if any of the foregoing statements and information provided by me are willfully false, I am subject to punishment. I am further aware that the State will rely on such statements and information in making its decision concerning whether to license or lease. If the decision is made to license or to lease tidelands to me, this information will also be used to determine the yearly fee. If any of the statements or information which I have provided are false, I understand that the State of New Jersey may revoke any license or lease it has delivered and may begin enforcement actions to compel removal of any structures occupying State owned lands. I recognize that as an applicant/licensee or lessee, I have a continuing obligation to provide complete and accurate information to the State concerning the licensed/leased lands under water owned by the State of New Jersey.

DATE: _____

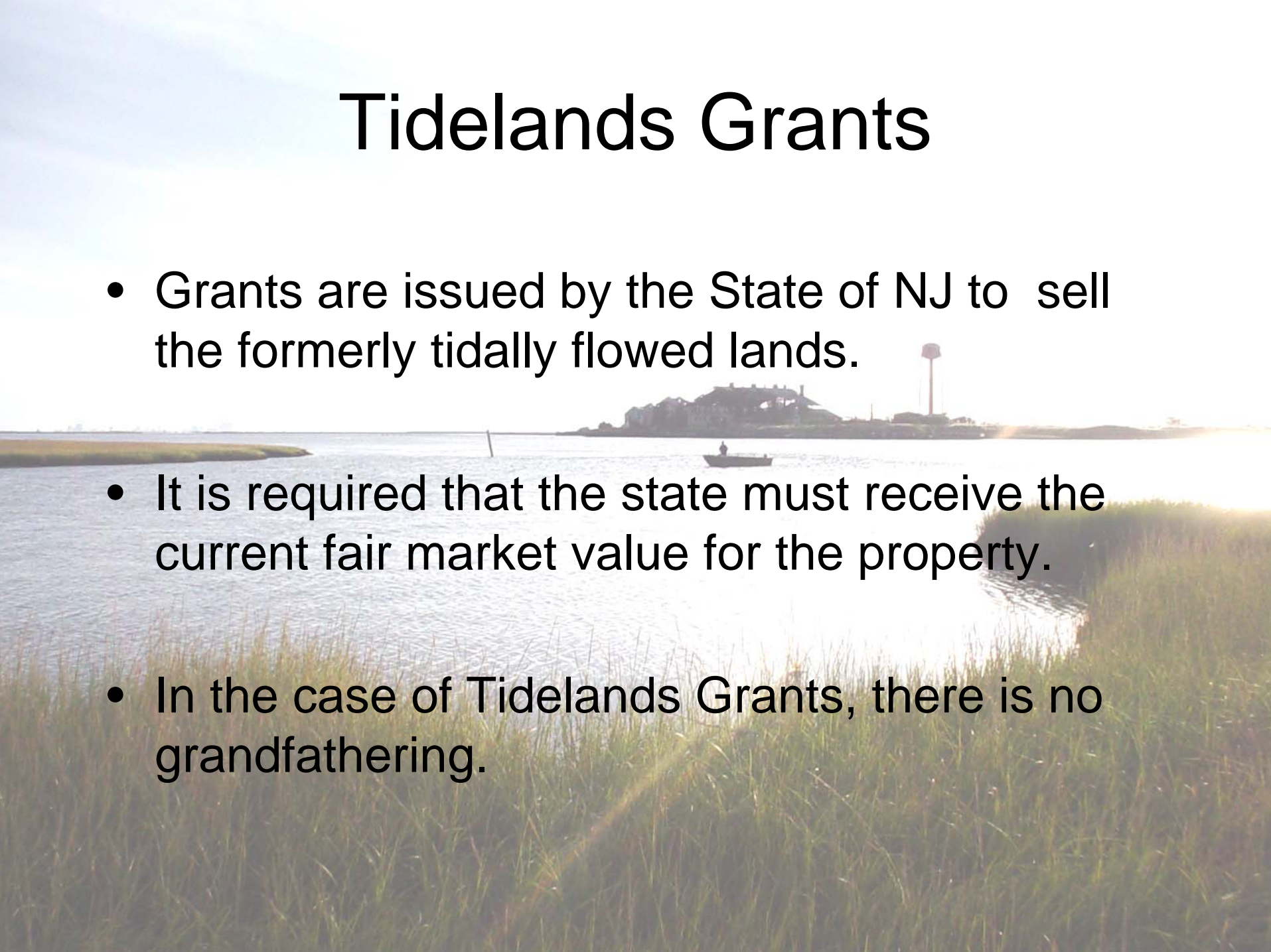
Signed: _____

[Please print name underneath
signature]

Subscribed and sworn
to before me this
day of 20 .

Tidelands Grants

- Grants are issued by the State of NJ to sell the formerly tidally flowed lands.
- It is required that the state must receive the current fair market value for the property.
- In the case of Tidelands Grants, there is no grandfathering.



Tidelands Grant Application

<http://www.state.nj.us/dep/landuse/grntform.pdf>

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
LAND USE REGULATION PROGRAM
BUREAU OF TIDELANDS MANAGEMENT
P. O. Box 439
TRENTON, NEW JERSEY 08625-0439

APPLICATION OF UPLAND OWNER ON TIDAL WATER FOR A LEASE OR GRANT OF RIPARIAN LAND

To the Bureau of Tidelands Management in the Land Use Regulation Program of the Department of Environmental Protection:

THE APPLICATION OF (Mr./Mrs./Ms.) _____ (1)

Address: _____ (2)

in the State of _____ (3) respectfully shows the said applicant is the owner in fee simple and in possession of lands adjoining, but above the high water line of the tidal waters of _____ (4) as shown on the accompanying survey map dated _____ (5).

The applicant is/is not (6) the upland owner of the lands adjoining the lands now or formerly under tidewater (tidelands) herein applied for and further shows that said applicant is desirous of obtaining a grant lease of such lands now or formerly under the tidewater of _____ (7) lying adjacent to and in front of the premises shown on the survey map above described.

Applicant recognizes that the State is under no obligation to make the grant or lease desired and the issuance of same is within the sole and absolute discretion of the State.

Applicant recognizes that the action of the Tidelands Resource Council is subject to the approval of the Commissioner of the Department of Environmental Protection, the Attorney General and Governor, and that no grant is valid unless and until actually delivered.

A photograph of a tidal wetland. A narrow, shallow water channel winds through a dense field of tall, green and yellowish-brown grasses. The water is calm, reflecting the sky. The background shows a flat expanse of land under a clear sky.

Tidelands Grant Application Requirements

The Grant recipient must be the upland property owner

There must be an accompanying narrative appraisal, survey, recorded deed and agent's authorization form.

Agent's Authorization Form

<http://www.state.nj.us/dep/landuse/agtform.pdf>

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
LAND USE REGULATION PROGRAM
BUREAU OF TIDELANDS MANAGEMENT
P. O. BOX 439
TRENTON, NEW JERSEY 08625-0439

AGENT'S AUTHORIZATION TO ACT FOR APPLICANT

I hereby authorize:

NAME: _____

ADDRESS: _____

TELEPHONE NUMBER: _____

to act as my agent or representative in all matters pertaining to my application for a grant, lease, license or other conveyance of State lands, now or formerly below mean high water. I further understand that the Bureau of Tidelands Management will correspond directly with the above named agent and not myself.

Applicant's Signature

Applicant's Signature

Address

DATE:

Statement of No Interest

- This statement is a formal, recordable state declaration that there are no Tidelands claims on a property in question.
- There is a \$250.00 fee associated with this statement.

Statement of No Interest Application

<http://www.state.nj.us/dep/landuse/sniinst.pdf>

Land Use Regulation Program
Bureau of Tidelands Management
P. O. Box 439
Trenton, New Jersey 08625-0439
Tel. # 609-291-2573
Fax. # 609-633-6483

STATEMENT OF NO INTEREST

Explanation:

In 1983, the Tidelands Resource Council adopted a policy and procedure for considering all requests for a formal, recordable Statement of No Interest. The Tidelands Resource Council is an independent agency which reviews applications for Statements of No Interest under the inherent authority of the General Riparian Act, as amended, found at N.J.S.A. 12:3-2 et seq. The Council shall approve and issue such a Statement when it is convinced by the submission of evidence by the applicant that the State has no tidelands ownership claim within a particular parcel of property. The processing fee for the issuance of a Statement of No Interest, if approved, is \$250.00.

Each application requires careful research in order to insure that the public interest is protected. All applications will be reviewed by the Tidelands staff as promptly as possible; will be forward to the Council for determination and, if approved, then to the Commissioner of the Department of Environmental Protection for concurrence. The ninety-day rule applicable to permit applications, under the cognizance of the New Jersey Department of Environmental Protection, does not apply to these applications. If there are extenuating circumstances which require an expedited review of your application, please advise Jo Ann Cubberley, Manager, at the above address and we will attempt to accommodate you.

Qualification:

Statements of No Interest are applicable to certain categories of properties, the most significant of which are:

- (a) Record owners whose property is not affected by a State tidelands claim, based on an adopted tidelands map, may obtain a Statement of No Interest which will foreclose the State from ever asserting a claim, such as by modifying the adopted map at a later date.
- (b) Owners whose property is affected by a State tidelands claim based on an adopted map, but that claim has been extinguished by a prior valid riparian grant. The applicant must demonstrate that the grant conveyed or intended to convey the area that is claimed on the tidelands map.
- (c) Owners whose property is affected by a State tidelands claim based on an adopted map, but can demonstrate that the State's claim is based upon invalid information or sources.

Additional Forms: Affidavit of Title

<http://www.state.nj.us/dep/landuse/afftform.pdf>

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
LAND USE REGULATION PROGRAM
BUREAU OF TIDELANDS MANAGEMENT
P. O. BOX 439
TRENTON, NEW JERSEY 08625-0439

AFFIDAVIT OF TITLE

I/We, _____, of full age, being duly sworn upon his/her/their oath, depose and say:

1. I/We are now the record fee simple owner(s) of the real property commonly known as _____, and also known as Lot(s) _____, Block _____ on the current tax map of _____ in the County of _____, New Jersey.
2. I/We further say that we have been the said record owner(s) of the above defined real property by virtue of deed dated _____ and recorded in Deed Book _____, at page _____ etc. in the Clerk's office of _____ County; and that as of the date indicated below, I/we have not sold, assigned or in any way disposed of my/our above state real property interest.
3. I/We further state that the matters and facts aforesaid are within my/our personal knowledge and are true and accurate to the best of my/our ability to substantiate same as of the date indicated below, and that the Bureau of Tidelands Management, Department of Environmental Protection, is entitled to rely on the truth of all foregoing statements and facts herein contained.

In witness whereof, I/we have set our hand and seal this _____ day of _____, 20__.

Applicant's Signature

Subscribed and sworn to before me this _____ day of _____ 19__.

Applicant's Signature

(Notary Public)

Address

Certificate of Title

<http://www.state.nj.us/dep/landuse/certform.pdf>

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
LAND USE REGULATION PROGRAM
BUREAU OF TIDELANDS MANAGEMENT
P. O. BOX 439
TRENTON, NEW JERSEY 08625-0439

CERTIFICATE OF TITLE

I hereby certify that according to the records in the County Clerk's Office of _____ County, New Jersey, _____ is/are the owner(s) of record in fee simple of Lot _____, Block _____, _____, as evidenced by deed dated _____ and recorded in Deed Book _____ at Page _____. I further certify that _____ have/has not sold, assigned, or in any way disposed of _____ rights in said lands so far as the records of said County reveal:

In witness whereof, I have hereunto placed my hand and seal this _____ day of _____, 20__.

Signature

Address

**(THIS FORM MUST BE SIGNED BY EITHER A NEW JERSEY
ATTORNEY AT LAW OR A REPRESENTATIVE OF A TITLE
GUARANTEE COMPANY.)**

Tidelands Resource Council Questionnaire

<http://www.state.nj.us/dep/landuse/gfquform.pdf>

Revised 4/18/00
For Bureau Use Only
FILE NUMBER: _____

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
LAND USE REGULATION PROGRAM
BUREAU OF TIDELANDS MANAGEMENT
P. O. BOX 439
TRENTON, NEW JERSEY 08625-0439

Tidelands Resource Council Questionnaire

This form must be completed by the seller or the person(s) who will be paying for the grant. In the space below, indicate if a title insurance company is paying for the grant, and name the company. If a title company is paying, this form should be completed by its insured. Please type or print legibly. Attach a clear copy of any documents which support your answers. For information concerning this form, contact the Bureau of Tidelands Management, P. O. Box 401, Trenton, NJ, (609) 292-2573.

TITLE COMPANY: _____

YOUR NAME: _____

TAX LOT AND BLOCK NUMBER(S) IDENTIFYING THE PROPERTY AND NAME
OF MUNICIPALITY: _____

1. Why are you applying for a tidelands grant?

2. Do you know of any changes in the location of the mean high water line on the property? If so, what happened, when and why?

Corporate Data Form

<http://www.state.nj.us/dep/landuse/corpform.pdf>

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
LAND USE REGULATION PROGRAM
BUREAU OF TIDELANDS MANAGEMENT
P. O. BOX 439
TRENTON, NEW JERSEY 08625-0439

CORPORATE DATA SHEET

To be completed when filing riparian (tidelands) applications for lands now or formerly flowed by mean high water, if the applicant is a corporation.

NAME OF CORPORATION: _____

ADDRESS OF PRINCIPAL OFFICE: _____

REGISTERED AGENT AND ADDRESS: _____

STATE OF INCORPORATION: _____

If other than a New Jersey corporation, is corporation authorized to do business in New Jersey, and if so, when was authorization obtained?

Is corporation now in good standing? If no, please explain.

NAME AND HOME ADDRESS OF PRESIDENT: _____

NAME AND HOME ADDRESS OF SECRETARY: _____

NAME AND HOME ADDRESS OF PRINCIPAL STOCKHOLDERS: _____

Date First Annual Report was filed with the Secretary of State in Trenton: _____

Are there any Franchise Taxes due the Corporation Tax Bureau? _____

If delinquencies exist, please state the last year tax was paid. _____

It is required that the applicant establish that it is in good standing, has filed the requisite annual reports and paid all taxes to date. The above information is required before the application shall be deemed complete. However, the State may require additional information in considering any application.

For Existing Applications

<http://www.state.nj.us/dep/landuse/acptform.pdf>

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
LAND USE REGULATION PROGRAM
BUREAU OF TIDELANDS MANAGEMENT
P. O. BOX 439
TRENTON, NEW JERSEY 08625-0439

ACCEPTANCE OF REVOCABLE LICENSE

FILE #: _____

DATE: _____

TO THE BUREAU OF TIDELANDS MANAGEMENT:

The undersigned hereby accepts the revocable license issued by the Department of Environmental Protection, Bureau of Tidelands Management, to _____, dated _____, subject to all the terms thereof and applicable laws, rules and regulations, with the understanding that the obtaining of a revocable permit is a condition precedent to performing any work within the licensed area, the issuance of such permit being within the sole and absolute discretion of the State. I further understand that it is my responsibility to pay the annual fees on time and if these fees are not paid, the State may commence action to compel payment. The license has been recorded in the County Clerk's Office in Deed Book _____ at page _____ and a copy of page one of that recorded license is attached.

Applicant's Signature

Notary:

Applicant's Signature

DATE: _____

(This form shall be properly notarized.)

Existing Applications Continued

<http://www.state.nj.us/dep/landuse/asgnform.pdf>

FILE NO. _____

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
LAND USE REGULATION PROGRAM
BUREAU OF TIDELANDS MANAGEMENT
ASSIGNMENT OF RIPARIAN LICENSE

(Please print or type and complete 3 copies of this form. Each copy must have original signatures.)

WHEREAS, the State of New Jersey owns the tidelands hereinafter described; and

WHEREAS, the Bureau of Tidelands Management in the Department of Environmental Protection having succeeded to the powers of the Division of Navigation in the Department of Conservation; and

WHEREAS, the State of New Jersey, acting by and through the Tidelands Resource Council in said Department, issued a 7 year license for use of certain tidelands in outshore of Lot 1.01, Block 864 situated in the Township of Brick, County of Ocean, New Jersey, to Romadi Enterprises, by license dated _____ for the period _____ to _____. Said license is recorded in file number _____ in the office of the Bureau of Tidelands Management; and

WHEREAS, said license stipulates or requires that it may not be assigned or otherwise transferred to any other person or persons except upon the written consent of said Division or its successors in office; and

WHEREAS, said licensee(s) desire(s) to assign said license to _____, the present record title holder of the adjoining lands shoreward of the license, as evidenced by deed dated _____ from _____ to _____, and recorded in the office of the clerk (or recorder of deeds) of the County of _____ in deed book _____ at pages _____ etc. (A copy of which is attached.)

NOW THEREFORE, the undersigned, being said licensee(s) in consideration of the sum of one dollar (\$1.00) and other good and valuable consideration do(es) hereby sell, assign, transfer and set over said license unto _____ to have and to hold same unto _____ for the balance of the period specified in said license.

This assignment is made with the understanding that the assignee(s) will assume the diligent payment of the rental, which is \$ _____ per year and will diligently keep and/or perform all of the other terms, covenants, conditions and limitations specified in said license. The assignee(s) by the acceptance of this assignment agree(s) thereto.

This assignment is made specifically subject to the assignee(s) obtaining written consent to this

Tidelands and other Division of Land Use Regulation Permits

NOTE: WHEN APPLYING FOR ANY CAFRA OR WATERFRONT DEVELOPMENT RELATED PERMIT, MAKE SURE TO INCLUDE EVIDENCE OF STATE TIDELANDS OWNERSHIP INTEREST.

Please take the time to fill out our online evaluation of our training course. Click below to begin:

<http://www.surveymonkey.com/s.asp?u=904992848250>