



images courtesy of NJDEP

Stream Encroachment

- What is stream encroachment?
 - Stream encroachment in the Land Use Program is a term that refers to development, construction and/or disturbance within the flood plain.
 - "Development" means any construction activity or other manmade land disturbance.



Before you Buy, Before you Build

Anyone thinking of buying property by a river for a new office building, store or shopping center?

Or maybe building a little cottage by a pond, lake or stream?

Maybe expanding an existing building or home and a small stream is in the way, or crossing a stream with your new driveway.

In all these cases you are most likely in a flood plain and you probably need a Stream Encroachment Permit before you build. In New Jersey and throughout the country, building in areas subject to flooding is regulated to protect lives, property, and the environment.



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)....

58:16A-1. Short title; declaration of emergency.
a. This act shall be known and may be cited as the "Flood Hazard Control Act."
b. It is hereby declared that the State does it advisable to participate in a program of flood control in the State of New Jersey in the manner hereinafter described.

58:16A-2. Receipt of monies from Federal Government, counties and municipalities for administration.
The State Treasurer is hereby authorized to receive from the Federal Government any monies which the Federal Government shall offer to the State of New Jersey for flood control in the State of New Jersey. The Treasurer is also authorized to receive from the Federal Government any monies which the Federal Government shall offer to the State of New Jersey for flood control in the State of New Jersey. The Treasurer is also authorized to receive from the Federal Government any monies which the Federal Government shall offer to the State of New Jersey for flood control in the State of New Jersey. The Treasurer is also authorized to receive from the Federal Government any monies which the Federal Government shall offer to the State of New Jersey for flood control in the State of New Jersey.

58:16A-3. Flood control facilities; authorization to plan, acquire, construct and operate.
The Commissioner of Environmental Protection is authorized to plan, acquire, construct and operate flood control facilities upon condition that the public utility, health and safety of the State shall be promoted and that the public utility, health and safety of the State shall be promoted and that the public utility, health and safety of the State shall be promoted.

58:16A-4. Flood control facilities; authorization to plan, acquire, construct and operate.
The Commissioner of Environmental Protection is hereby authorized and directed to plan, acquire, construct and operate flood control facilities upon condition that the public utility, health and safety of the State shall be promoted and that the public utility, health and safety of the State shall be promoted and that the public utility, health and safety of the State shall be promoted.

Flood Plain Regulations

- and the implementing rules at [N.J.A.C. 7:13](#)

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Flood Plain Regulations

In legal terms...
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.

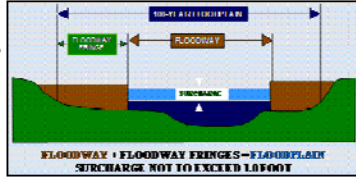


New Jersey Department of Environmental Protection

So what is the Flood Plain?

"Flood plain" means the area inundated by the regulatory flood including the watercourse that creates it. 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)



Why does the Floodplain matter?

There are two main reasons the state regulates work in the floodplain.

1. To minimize losses due to the estimated \$690 million in losses paid in NJ since 1978.
2. When you build on a flood plain and the waters begin to rise, the buildings on your property displace water thus increasing the height of the rising waters and making the flooding worse everywhere along the banks.



New Jersey Department of Environmental Protection

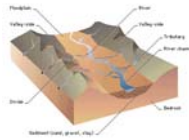
Definitions

- **The floodway** - the channel and portions of the flood plain adjoining the channel which are reasonably required to carry and discharge the regulatory flood. For the purpose of this chapter the term floodway shall refer to both the delineated floodway on State Adopted Studies and the area between the encroachment lines located on both sides of a non-delineated watercourse.
- **The flood fringe** - means that portion of the flood plain outside of the floodway or encroachment lines.

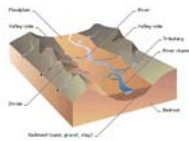


How to Determine if a Property is in the Floodplain

- Every body of water has a floodplain.
 - 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.



Since a flood plain's size depends on so many factors, it can be accurately determined only through a detailed engineering analysis, in which an engineer calculates and maps the flood plain based on water movement and topography.



Streams, Lakes or Ponds

If your stream, lake, or pond is not already mapped, you can obtain a jurisdictional determination from the DEP. To determine who to call, click the link below and locate the appropriate number for your county.



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

Obtaining FIRMs

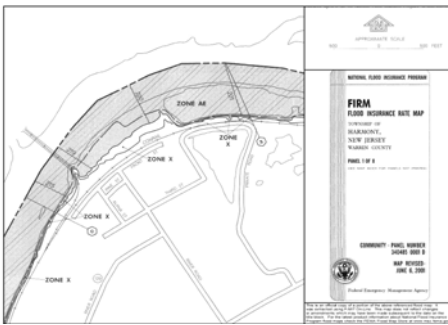
- These maps should always be available at municipal offices. They are also available at the the FEMA website:

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 Rate Map



Digital Flood Insurance Rate Map



Does being in the Floodplain mean nothing can be built?

Building in the Flood Plain requires a permit.
There are two types of permits:
major and minor



image from <http://fcgov.com>

Regulatory Definitions

•A flood hazard area exists along every regulated water that has a drainage area of 50 acres or more. If a regulated water has a drainage area of less than 50 acres, the water does not have a flood hazard area that is regulated under this chapter. The flood hazard area is comprised of a flood fringe and a floodway, except for the Atlantic Ocean and other non-linear tidal waters such as bays and inlets, which do not have a floodway.

•Therefore, the entire flood hazard area along these tidal waters is considered to be a flood fringe.

•A riparian zone exists along every regulated water, except there is no riparian zone along the Atlantic Ocean nor along any manmade lagoon, stormwater management basin, or oceanfront barrier island, spit or peninsula. The regulated water itself is also part of the riparian zone.

Determining the Presence of a Floodway

There are six methods for determining the flood hazard area and floodway:along a regulated water:

Method 1 (Department delineation method) 2

Method 2 (FEMA tidal method)

Method 3 (FEMA fluvial method)

Method 4 (FEMA hydraulic method)

Method 5 (approximation method)

Method 6 (calculation method)

Building in a Floodplain requires permits:

- **Minor Permits** - a minor permit is required if the flooding impacts are easy to determine.

- **Examples:**

- Utility Lines
- Single Family Homes

- **Major Permits** - a major permit is required if the flooding impacts or the project are complex

- **Examples**

- Roads over streams
- Complex projects

Applying for a permit

- A form can be obtained from the NJ DEP website at <http://www.state.nj.us/dep/landuse/forms/index.html#SE>
- An engineer would most likely prepare the permit application of the proposed work.

Summary of Permit By Rule

Permit-by-Rule is a category of permits for developments, which the Department has determined have minimal potential for environmental impact.

Table A
SUMMARY OF PERMITS-BY-RULE
This Table is for informational purposes only. See N.J.A.C. 7:13-7.2(a) through (f) for specific applicable limits and requirements for each permit-by-rule

(a) Activities that require 14-day prior notice to the Department
1. Reconstructing a lawfully existing structure outside a floodway
2. Constructing in a disturbed riparian zone or at or below grade in a flood hazard area
3. Elevating a building above the flood hazard area design flood elevation
4. Constructing an addition to a building of no more than 300 square feet outside a floodway
5. Removing a major obstruction from a regulated water with machinery
6. Constructing a boat launching ramp of no more than 1,000 square feet
7. Constructing an aquatic habitat enhancement device
8. Constructing a USGS-approved flow gauge or weir

Summary of General Permits

Table B
SUMMARY OF GENERAL PERMITS
This Table is for informational purposes only. See N.J.A.C. 7:13-8.3 through 8.12 for specific applicable limits and requirements for each general permit

Permit	Description	Citation
1	Channel cleaning by a public entity under the Stream Cleaning Act	8.3
2A	Agricultural: Soil erosion control, bank stabilization or bank restoration	8.4(c)1
2B	Agricultural: Channel cleaning	8.4(c)2
2C	Agricultural: Constructing a roadway across a water	8.4(c)3
2D	Agricultural: Filling a manmade water for freshwater wetlands restoration	8.4(c)4
2E	Agricultural: Creating a ford across a water to manage livestock	8.4(c)5
2F	Agricultural: Constructing a fence across or along a water to manage livestock	8.4(c)6
2G	Agricultural: Constructing a pump or water intake along a water for livestock	8.4(c)7
3	Bridge or culvert scour protection by a public entity	8.5
4	Stormwater maintenance by a public entity	8.6
5	Relocating a building to reduce flood damage	8.7
6	Reconstructing a damaged or destroyed residence	8.8
7	Residential construction in a tidal flood hazard area	8.9
8	Utility line across or along a water draining less than 50 acres	8.10
9	Roadway or footbridge across a water draining less than 50 acres	8.11
10	Stormwater outfall along a water draining less than 50 acres	8.12

Summary Continued

30. General reconstruction and maintenance activities	
1	Constructing general projects, investment in an expense area
2	Replacing a brick/tilt retaining structure outside a floodway
3	Placing an more than 1 cubic yard of fill against outside a floodway
4	Replacing a brick/tilt retaining structure
5	Constructing a dike
6	Constructing in a tide flood fringe that does not need a coastal permit
7	Constructing an addition onto a building outside a floodway
8	Constructing a new detached building of no more than 100 square feet outside a floodway
9	Constructing an open structure with a roof outside a floodway (e.g., an awning, gazebo, pergola)
10	Constructing an above-ground recreational structure (e.g., a lifeguard stand, water, basketball)
11	Constructing an above-ground swimming pool outside a floodway
12	Constructing an in-ground swimming pool
13	Constructing an open deck attached to a building
14	Constructing an open deck of no more than 1,000 square feet on an impounded water
15	Placing an above-ground fuel tank of no more than 1,000 gallons outside a floodway
16	Placing an underground fuel tank
17	Filling an abandoned structure
18	Manufacturing a nonmetallic canal that passes through a regulated area
31. Activities associated with rock collection	
1	Placing a rock pile
2	Placing an open frame rock screen outside a floodway
3	Locking an underground utility line beneath a water
4	Placing an underground utility line beneath a water
5	Abandoning a utility line in the downstream face of a structure that crosses a water
6	Placing an underground utility line in a flood hazard area outside a regulated area
32. Activities associated with roadways and parking areas	
1	Repairing a roadway or parking area outside a floodway
2	Placing an open parking along a public roadway
3	Reconstructing a bridge, culvert or outfall along a public roadway
4	Reconstructing a bridge, culvert or outfall along a flood hazard area
33. Activities associated with the storage of excavated material	
1	Excavating, storage of excavated material outside a floodway
2	Backfilling storage of material associated with a structure
3	Backfilling storage of material associated with a structure
4	Operating an existing business that stores and distributes material
5	Operating an existing business that stores and distributes material
6	Operating an existing solid waste facility
34. Agricultural activities	
1	Continuing ongoing agricultural activities that result in no fill
2	Constructing any agricultural activities that result in no fill
3	Underground well construction projects outside a floodway
4	Constructing an agricultural building of no more than 1,000 square feet outside a floodway

What is a Riparian Zone?



The riparian area of a watershed consists of the vegetation immediately adjacent to, and directly influenced by a stream, river or lake. The riparian area is very important to the health of the aquatic area and in general, the more intact the riparian area, the healthier the aquatic area, such as a stream.

Riparian Zone Protection

- 300 feet on both sides of Category One water and upstream tributaries within the same HUC-14 watershed; (Hydrologic Unit Codes for 970 sub-watersheds);
- 150 feet on both sides of an upstream tributary to a trout production water not in the HUC-14 watershed;
- A trout maintenance water body and all upstream tributaries within one mile;
- Any segment of water flowing through an area containing documented habitat for a threatened or endangered species of plant or animal;
- Any segment of water flowing through an area containing acid producing soils.
- 50 feet along both sides of all other waters.

Allowed Riparian Disturbances

The allowed riparian zone disturbances range from 300 square feet for reconstruction of a driveway in a 50-foot riparian zone to 5,000 square feet for construction of a private residence in a 300-foot buffer that received preliminary or final subdivision approval before October 2, 2006 and that meets the Stormwater Management Regulations.



Riparian Zone Disturbance Will Only be Allowed if:

- The basic purpose of the project cannot be accomplished on site without disturbing vegetation in the riparian zone;
- Disturbance to the riparian zone is eliminated where possible and minimized where not possible by relocating the project, reducing the size of the project, or situating the project in portions of the riparian zone where previous development or disturbance has occurred;
- Any temporarily cleared area of vegetation must be replanted with indigenous, non-invasive vegetation;
- An applicant must also meet the additional requirements for the specific proposed activity. The riparian zone regulations also set a limit on the amount of disturbance allowed for 69 specific activities.

Requirements for a Regulated Activity in a Riparian Zone

Table C
MAXIMUM ALLOWABLE DISTURBANCE TO RIPARIAN ZONE VEGETATION

Proposed Regulated Activity	See Paragraph Below for Further Detail	Maximum Area of Vegetation Disturbance Based on the Width of the Riparian Zone		
		50-foot Riparian Zone	150-foot Riparian Zone	200-foot Riparian Zone
• Railroad or public roadway				
New	(a)	5,000 ft ²	11,000 ft ²	20,000 ft ²
Reconstructed	(b)	2,500 ft ²	5,500 ft ²	10,000 ft ²
Not crossing a water	(c)	7,500 ft ²	16,000 ft ²	30,000 ft ²
	(d)	1,500 ft ²	3,000 ft ²	6,000 ft ²
• Private roadway that serves as a driveway to one private residence				
New	(a)	1,500 ft ²	3,000 ft ²	6,000 ft ²
Reconstructed	(b)	750 ft ²	1,500 ft ²	3,000 ft ²
Not crossing a water	(c)	4,500 ft ²	9,000 ft ²	18,000 ft ²
	(d)	750 ft ²	1,500 ft ²	3,000 ft ²
• All other private roadways				
New	(a)	1,500 ft ²	3,000 ft ²	6,000 ft ²
Reconstructed	(b)	750 ft ²	1,500 ft ²	3,000 ft ²
Not crossing a water	(c)	4,500 ft ²	9,000 ft ²	18,000 ft ²
	(d)	750 ft ²	1,500 ft ²	3,000 ft ²
• Bank stabilization or channel restoration				
Approved by, or less than above		No limit of disturbance is specified		
Other permanent disturbance	(a)	2,000 ft ²	3,000 ft ²	4,000 ft ²
Other temporary disturbance	(b)	1,000 ft ²	1,500 ft ²	2,000 ft ²
• Stormwater discharge (including pipe and conduit outlet protection)				
Permanent disturbance	(a)	1,000 ft ²	1,500 ft ²	2,000 ft ²
Temporary disturbance	(b)	1,500 ft ²	2,000 ft ²	3,000 ft ²
• Utility line (temporary disturbance only)				
Crossing a water	(a)	2,000 ft ²	3,000 ft ²	4,000 ft ²
Not crossing a water	(b)	800 ft ²	1,200 ft ²	1,600 ft ²
• Other projects				
Private residential	(a)	2,500 ft ²	3,500 ft ²	5,000 ft ²
Address, garage, lawn or shed	(b)	1,000 ft ²	1,500 ft ²	2,000 ft ²
Flood control project	(c)	3,000 ft ²	4,000 ft ²	5,000 ft ²
Public access to public access area	(d)	No limit of disturbance is specified		
Stream dependent development	(e)	No limit of disturbance is specified		
All other regulated activities	(f)	1,000 ft ²	1,500 ft ²	2,000 ft ²

C1 designation "targets water bodies 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."

Category 1 Waters



clean and plentiful water

Restricted Time Periods for Waters with Fisheries Resources

Water and classification	Time period (inclusive) during which activities are prohibited
1. Trout Waters	
• All trout production waters except rainbow trout	September 15 through March 15
• Rainbow trout production waters	February 1 through April 30
• Trout stocked waters	March 15 through June 15
• Trout maintenance waters	
• Any water located within 1 mile upstream of a trout stocked or a trout maintenance water	
2. Non-Trout Waters	
• Waters that support general game fish	May 1 through June 30
• Waters that support pickerel	Ice out through April 30
• Waters that support walleye	March 1 through May 30
3. Sandhopper Waters	
• All unimpounded tidal waters open to the Atlantic Ocean or any coastal bay	April 1 through June 30
• All waters identified as sandhopper migratory pathways	
• Delaware River upstream of U.S. Route 202	April 1 through June 30 and September 1 through November 30
• Delaware River between U.S. Route 202 and Interstate 276 (Pennsylvania Turnpike Bridge)	March 1 through June 30
• Delaware River between Interstate 276 (Pennsylvania Turnpike Bridge) and Interstate 295 (Delaware Memorial Bridge)	March 1 through June 30 and September 1 through November 30
• Tidal portions of Raccoon, Ramoths Creek, Crosswicks Creeks and Cooper River	
• All unimpounded tidal waters open to the Delaware River downstream of Interstate 295 (Delaware Memorial Bridge)	March 1 through June 30 and October 1 through November 30
• Tidal portions of the Maurice River, Coblesey River and Salem River	

A number of permits allow disturbance in the riparian zone only 25 feet from the top of bank, including:

- New private residences on a lot that received preliminary or final approval before October 2, 2006;
- An addition to an existing building or construction of a building appurtenant to an existing building;
- A public access way along a tidal water;
- Construction of a water dependent project that requires clearing, cutting, removing vegetation in the riparian zone.

Waivers

The New Jersey Department of Environmental Protection (NJDEP) will issue hardship waivers for projects that go beyond the limits set for riparian zone projects. The applicants must



- Provide 2:1 compensation in the form of re-vegetation;
- Place a deed restriction on the compensation area.

- 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

Other Regulations?

In addition, the following regulatory programs administered by other agencies may affect projects in New Jersey flood plains:

- NJ - IRC (International Residential Code) and NJ - IBC (International Building Code)
- Local flood damage prevention ordinances.
- The Federal Emergency Management Agency (FEMA) provides FIRMs Call (800) 358-9616. For flood insurance information call (888) 379-9531
- Federal Wetlands Program (404 Program). In some parts of New Jersey, in addition to a DEP freshwater wetlands permit, you may also need a federal wetlands permit, issued by the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act. An Army Corps permit is needed in the Hackensack Meadowlands area, Greenwood Lake, and in any tidally flowed waters or wetlands. Contact the U.S. Army Corps of Engineers in Philadelphia at (215) 656-6500, or New York City at (212) 264-4185



Electronic Forms Available Online:


<http://www.state.nj.us/dep/landuse/forms/index.html#SE>

Description	Form ID	Date	Updated
Flood Hazard Area Applicability Determination Checklist	Word Doc	01/29/09	11/19/2007
Flood Hazard Area General Permit #1 Checklist	Word Doc	01/29/09	11/19/2008
Flood Hazard Area General Permit #2,3 Checklist	Word Doc	01/29/09	11/19/2008
Flood Hazard Area Individual Permit Checklist	Word Doc	01/29/09	11/19/2007
Flood Hazard Area Modification Checklist	Word Doc	01/29/09	11/19/2007
Flood Hazard Area (F) Certification Form - coming soon			
Flood Hazard Area Wetland Wetland - coming soon			
List of Endangered and Endangered Species that are Critically Dependent on Regulated Waters for Survival	Adobe PDF	01/29/09	11/19/2008
Completion Report	Adobe PDF	01/29/09	N/A
Contribution Report	Adobe PDF	01/29/09	N/A
Map/Map of Regulatory Jurisdiction Form	Adobe PDF	01/29/09	N/A
Stormwater Runoff Fee Worksheet	Word Doc	11/19/08	11/19/2008

General Information about NJDEP Land Use Regulations

www.state.nj.us/dep/landuse/index.html

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

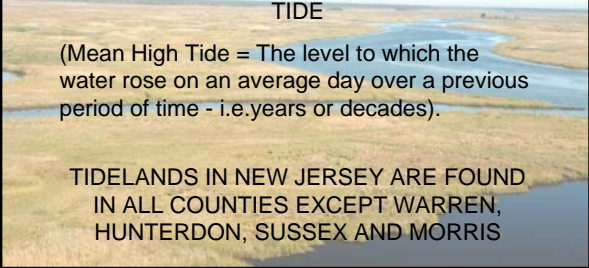


TIDELANDS REGULATIONS

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.



Tidelands 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



The Riparian Laws

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

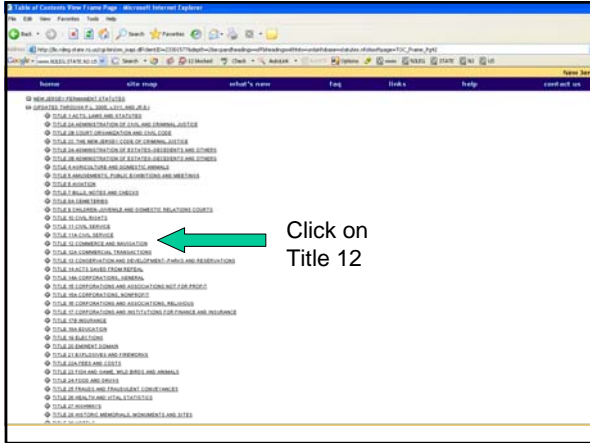


These statutes can be found online at:

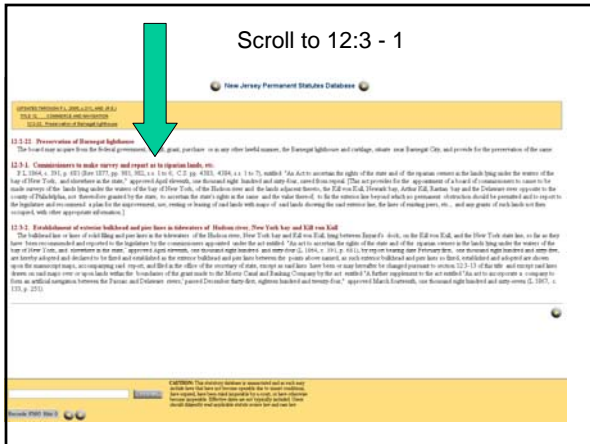
<http://www.njleg.state.nj.us>



Click on statutes



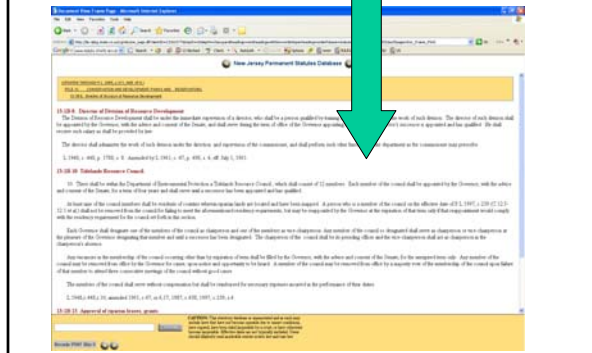
Click on Title 12



Scroll to 12:3 - 1



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



The Tidelands Act: Online

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

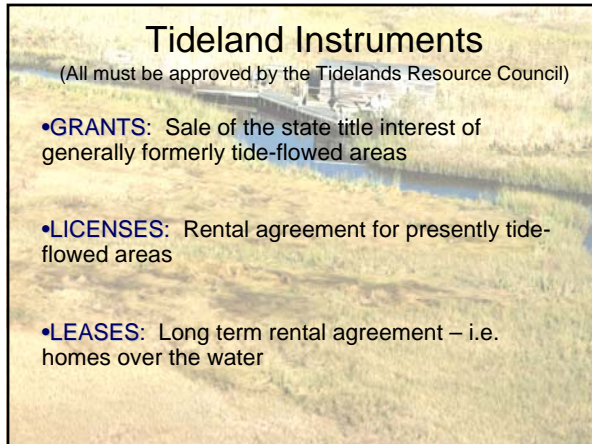
TITLE 12. COMMERCE AND NAVIGATION CHAPTER 3. RIPARIAN LANDS ARTICLE 1. LEASES, GRANTS AND CONVEYANCES A. IN GENERAL Current through L. 1998 c. 153

12-3-1. Commissioners to make survey and report as to riparian lands, etc.	1
12-3-2. Establishment of exterior bulkhead and pier lines in tidalwaters of Hudson river, New York bay and Kill von Kull	2
12-3-3. Filling in beyond bulkhead lines; erection of piers	2
12-3-4. Repeal of Wharf Act of 1851; reclaiming or building upon lands under tidalwaters; consent of department; prior grants and licenses	3
12-3-5. Conveyances or leases to grantee or licensee under legislative act; amount of rental or purchase price; conversion of lease into conveyance; rights of grantee or licensee	4
12-3-6. Payment of or security for purchase money or rentals for lands below high-water mark	5
12-3-7. Grant of riparian land not improved; notice to riparian owner	6
12-3-7.1. Inability to give required notice; notice by publication; effect	6
12-3-8. Trespass on lands of state under water; proceedings by attorney general; expenses	7
12-3-9. Grant to person other than riparian owner; procedure	7
12-3-10. Lease or conveyance to riparian owner on application to board	8
12-3-11. Waters excluded	8
12-3-12. Covenants, clauses and conditions in grants or leases whether land under water or not	9
12-3-12.1. Tidelands management; policy availability; legislative findings and declarations	9
12-3-12.2. Tidelands Resource Council informational guide	9

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



Tideland Agreements

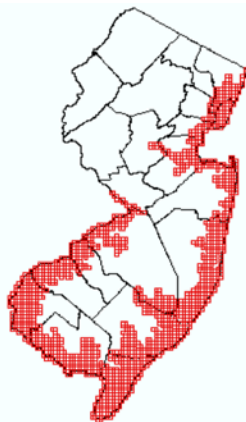
(All must be approved by the Tidelands Resource Council)

•**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.

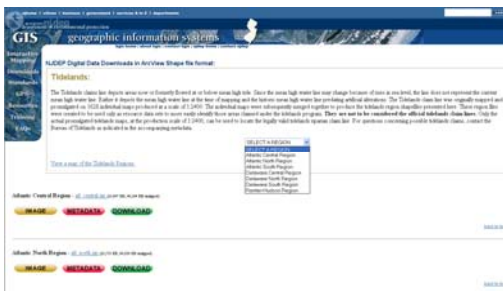
This GIS image shows the Tidelands grid along the coast of the state.

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>



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

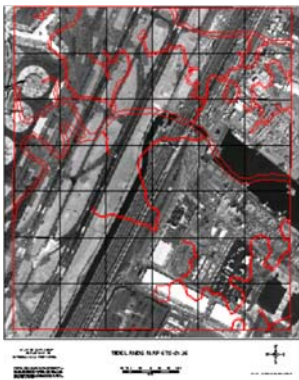
Frequently Asked Questions
and
Answers

State of New Jersey
Department of Environmental Protection
Bureau of Tidelands Management
P. O. Box 439
Trenton, NJ 08625-0439
Phone (609) 292-2872
FAX (609) 632-6892



* 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





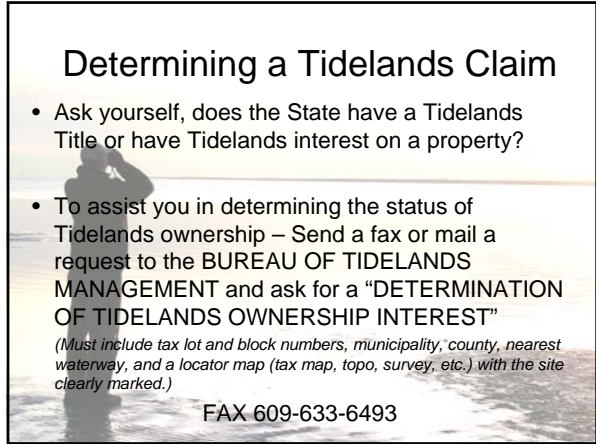
Note again
Tidelands map
showing areas
that are currently
developed, but
were once
previously flowed
by the tide. This
is a very good
example why
many property
owners do not
know they are
regulated under
Tidelands.

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.)

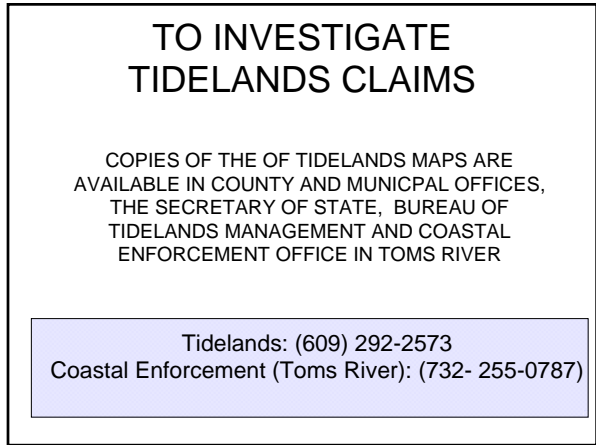
FAX 609-633-6493



TO INVESTIGATE TIDELANDS CLAIMS

COPIES OF THE 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)



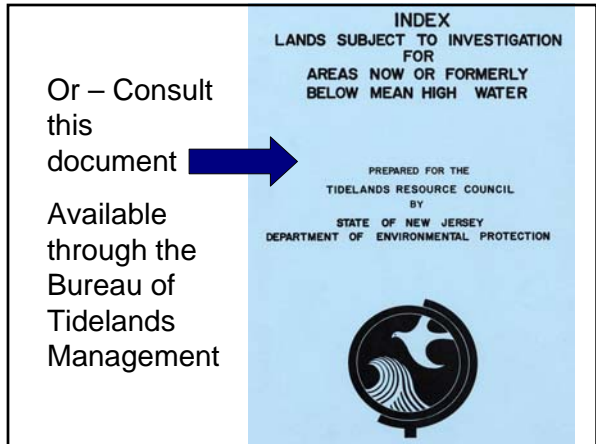
Or – Consult this document

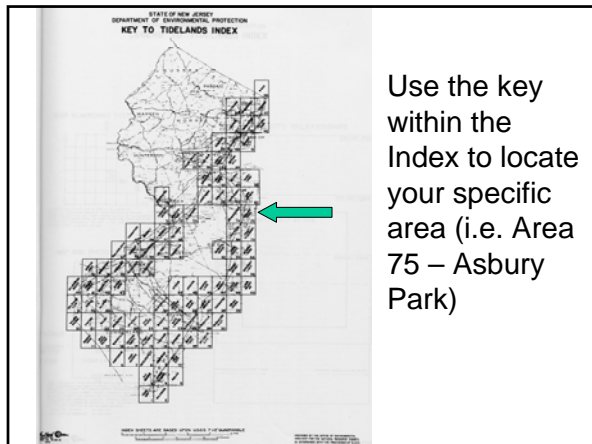


Available through the Bureau of Tidelands Management

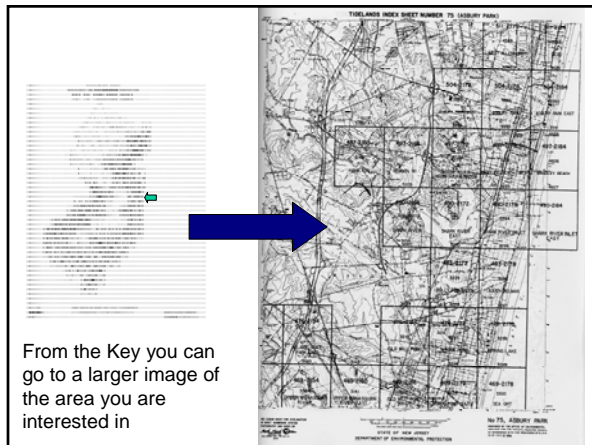
INDEX
LANDS SUBJECT TO INVESTIGATION
FOR
AREAS NOW OR FORMERLY
BELOW MEAN HIGH WATER

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





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



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.

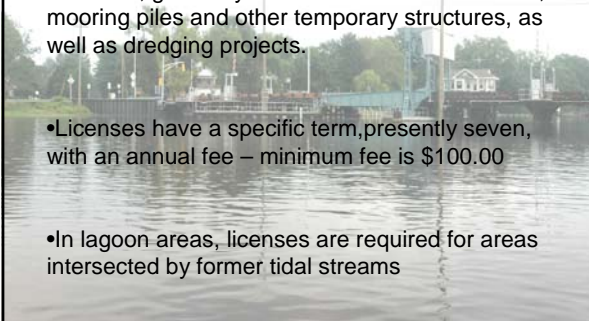


Tidelands License

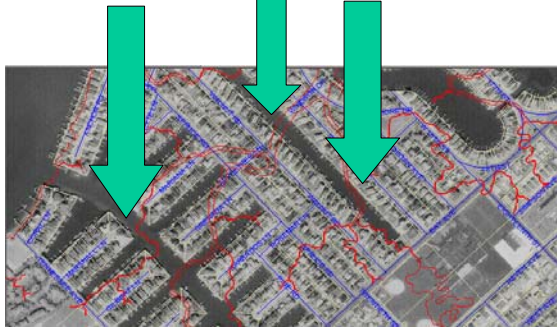
• A short term revocable rental document to use tidelands, generally for structures such as docks, mooring piles and other temporary structures, as well as dredging projects.

• 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



These are lagoons with 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
 DIVISION OF LAND USE AND PLANNING
 ADDRESS OF REGULATORY AGENCIES
 201 WEST WASHINGTON STREET
 3RD FLOOR
 TRENTON, NJ 08646-0001
**INSTRUCTIONS FOR ALL APPLICATIONS
 FOR TIDELANDS CONVEYANCES**

GENERAL INFORMATION:

1. Tidelands conveyances to all applicants that the State is under 700 obligations to make a grant, lease or license in any type of conveyance.
2. The rules and regulations for conveyances in the State (book rules) and local rules apply to all conveyances in the State.
3. A conveyance application is other than a grant, lease or license and is subject to public notice and rule.
4. A conveyance application is other than a grant, lease or license and is subject to public notice and rule.
5. A conveyance application is other than a grant, lease or license and is subject to public notice and rule.
6. A conveyance application is other than a grant, lease or license and is subject to public notice and rule.
7. A conveyance application is other than a grant, lease or license and is subject to public notice and rule.
8. A conveyance application is other than a grant, lease or license and is subject to public notice and rule.
9. A conveyance application is other than a grant, lease or license and is subject to public notice and rule.
10. A conveyance application is other than a grant, lease or license and is subject to public notice and rule.

Page 1 of 10

Tidelands License Application

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

STATE OF NEW JERSEY
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 DIVISION OF LAND USE AND PLANNING
 ADDRESS OF REGULATORY AGENCIES
 201 WEST WASHINGTON STREET
 3RD FLOOR
 TRENTON, NJ 08646-0001
APPLICATION FOR LICENSE OR EASEMENT

DATE: _____
 FILE # _____

APPLICANT:

1. NAME OR TITLE: _____
2. ADDRESS: _____
3. CITY: _____
4. STATE: _____
5. ZIP: _____

WHERE LICENSE IS LOCATED:

1. COUNTY: _____
2. CITY OR TOWNSHIP: _____
3. NAME OF WATERWAY: _____
4. LOCAL MAP: _____

INTENDED USE:

NAME AND ADDRESS OF THE GRANTOR AND RECEIVING OWNER:

NAME: _____
 ADDRESS: _____
 CITY: _____
 STATE: _____
 ZIP: _____

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

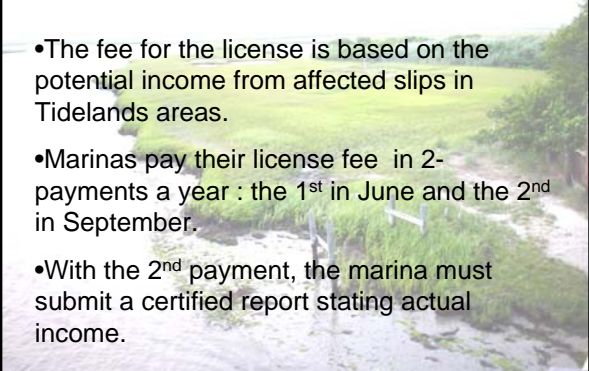
When property ownership changes, the current license can be re-assigned.....

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.

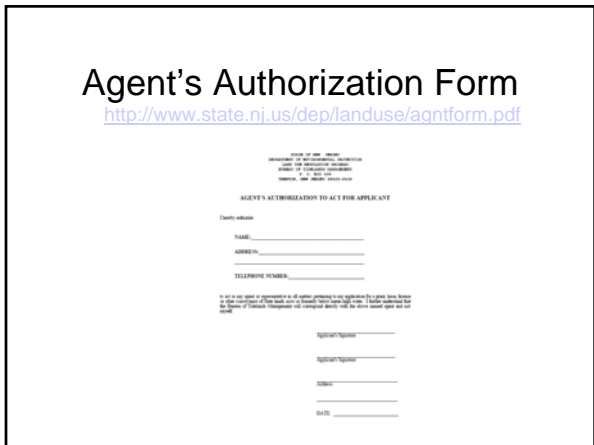




Tidelands Grant Application Requirements

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
 DIVISION OF LAND USE AND PLANNING
 260 WEST WASHINGTON STREET
 TRENTON, NEW JERSEY 08646

AGENT'S AUTHORIZATION TO ACT FOR APPLICANT

I hereby authorize:

NAME: _____

ADDRESS: _____

TELEPHONE NUMBER: _____

In full or in part, in connection with all applications for the right to a grant, lease, license or other privilege, the applicant shall file with the Department of Environmental Protection the completed authorization form for the upland agent and fee.

APPLICANT Signature: _____

AGENT Signature: _____

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>

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF LAND USE AND PLANNING
STATEMENT OF NO INTEREST
APPLICATION

Disclaimer:

No individual or entity is entitled to any benefits or advantages by reason of the completion of this application. The applicant is advised that the Department of Environmental Protection (DEP) is not responsible for any errors or omissions in this application. The applicant is advised that the Department of Environmental Protection (DEP) is not responsible for any errors or omissions in this application. The applicant is advised that the Department of Environmental Protection (DEP) is not responsible for any errors or omissions in this application.

Conditions:

The applicant agrees to comply with the following conditions:

- (1) The applicant agrees to comply with all applicable laws, rules, and regulations of the State of New Jersey.
- (2) The applicant agrees to provide accurate and complete information in this application.
- (3) The applicant agrees to pay all applicable fees and taxes.
- (4) The applicant agrees to cooperate with the Department of Environmental Protection (DEP) in the review and processing of this application.

Additional Forms: Affidavit of Title

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

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF LAND USE AND PLANNING
AFFIDAVIT OF TITLE

THIS is the sworn statement of the applicant that:

- (1) I have not been convicted of any crime involving fraud or dishonesty in the last ten years.
- (2) I have not been convicted of any crime involving fraud or dishonesty in the last ten years.
- (3) I have not been convicted of any crime involving fraud or dishonesty in the last ten years.

Signature: _____ Date: _____

Certificate of Title

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

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF LAND USE AND PLANNING
CERTIFICATE OF TITLE

I, the undersigned, hereby certify that the information contained herein is true and correct to the best of my knowledge and belief, and that I am not aware of any other facts which would affect the information herein.

Signature: _____ Date: _____

THIS DOCUMENT IS NOT VALID UNLESS IT IS SIGNED BY AN INDIVIDUAL OR A MEMBER OF A PROFESSIONAL CORPORATION.

Tidelands Resource Council Questionnaire

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

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF LAND USE
TIDELANDS RESOURCE COUNCIL

Tidelands Resource Council Questionnaire

This form must be completed by the owner or the person who will be applying for the permit. It is to be filled out by the applicant of the proposed project. It is not to be filled out by the applicant of the proposed project. It is not to be filled out by the applicant of the proposed project. It is not to be filled out by the applicant of the proposed project.

TITLE COMPANY _____
YOUR NAME _____
TITLE AND BLOCK NUMBER IDENTIFYING THE PROPERTY AND NAME OF MUNICIPALITY _____

1. Why are you applying for a tideland permit?
2. Do you plan to use dredge or the bottom of the water high water line on the project? If so, what material will you use?

Corporate Data Form

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

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF LAND USE
CORPORATE DATA SHEET

NAME OF CORPORATION _____
ADDRESS OF PRINCIPAL OFFICE _____

REGISTERED AGENT AND ADDRESS _____
STATE OF INCORPORATION _____

NAME AND HOME ADDRESS OF PRESIDENT _____
NAME AND HOME ADDRESS OF SECRETARY _____

NAME AND HOME ADDRESS OF PRINCIPAL STOCKHOLDER _____
Date This Record Report was filed with the Secretary of State in Jersey City, New Jersey _____

It is certified that the applicant is a corporation organized in the State of New Jersey and that the information furnished herein is true and correct to the best of the applicant's knowledge.

For Existing Applications

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

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF LAND USE
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 _____, owner of _____, subject to all the terms, conditions 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 location of such permit being within the site and within the boundaries of the site. I further understand that it is my responsibility to pay the annual fee on time and if such fee is not paid, the same may constitute a cause for suspension of the license. The license fee is recorded in the County Clerk's Office in _____, New Jersey, on page _____ and a copy of page one of that recorded license is attached.

Applicant's Signature _____
Title _____
DATE _____ (This date shall be properly witnessed)
