

BUREAU OF TIDELANDS **MANAGEMENT**

Division of Land Use Regulation
Bureau of Tidelands Management
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Supervising Environmental Specialist

TIDELANDS

- TIDELANDS ARE LANDS NOW OR FORMERLY FLOWED BY THE MEAN HIGH TIDE OF A NATURAL WATERWAY
- THE STATE ASSERTS AN OWNERSHIP INTEREST IN ALL TIDELANDS NOT PREVIOUSLY SOLD VIA RIPARIAN GRANTS

TIDELANDS

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

RIPARIAN STATUTES

- NJSA 12:3 1 to 28
- NJSA 13:1B-13.1 to 13.14
- ONLINE: WWW.NJLEG.STATE.NJ.US
- UNDER *“Laws and Constitution”*
- SELECT *“Statutes”* and SCROLL TO TITLE 12 AND NAVIGATE TO 12:3
- THEN NAVIGATE TO TITLE 13:1B, ETC

RIPARIAN STATUTES

New Jersey Legislature - Windows Internet Explorer

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

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New Jersey Legislature

Bills 2004-2005
Bills 2002-2003
Bills 2000-2001
Bills 1998-1999
Bills 1996-1997
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LAWS and CONSTITUTION Statutes
Laws
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RULES
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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
Please check this page frequently as schedules may change.

Tuesday, March 24, 2009

Senate Budget and Appropriations (Budget Hearings Only)	09:00 AM	University Hall Conference Center, Montclair State University, 2 Normal Avenue, Montclair, New Jersey
Assembly Budget Committee (Budget Hearings Only)	09:30 AM	Committee Room 11, 4th Floor, State House Annex, Trenton, NJ
Joint Legislative Committee on Ethical Standards	01:00 PM	Committee Room 7, 2nd Floor, State House Annex, Trenton, NJ

Session Schedules
[Senate Sessions](#)

Legislative Information
Learn how to work with the New Jersey Legislature

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www.state.nj.us/dep/

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DEPARTMENT OF ENVIRONMENTAL PROTECTION

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Site Cleanups
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1-877-WARN DEP Hotline
Rebuilding After Sandy
Sandy Recovery Info
State Parks Mobile App
NJ Saltwater Registry
Today's Air Quality
Barnegat Bay Plan
Bob Martin, Commissioner

The second annual Dash for the Trash, a large-scale, volunteer cleanup of sections of the Delaware River and Bay as well as the Raritan River Basin will continue through March 16. DEP's New Jersey Watershed Ambassadors Program, in partnership with the New Jersey Clean Communities Council, has organized cleanups in 18 different towns along the two waterways.
[Read the DEP news release.](#)

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Land & Open Space

General:

- Division of Land Use Regulation - Includes info about wetlands, coastal, and stream/floodplains encroachment programs. Covers wetlands, floodplains, coastal areas, lakes, streams, rivers, dunes, beaches, and more.
- **Green Acres Program** - Covers Green Trust, Garden State Preservation Trust Act, Open Space, Parks, Land Acquisition, Land Use, Easements, Recreation, Preservation, Conservation, Greenways, Natural Areas, Natural Resources, and Watershed Protection.
- New Jersey Parks & Forests

Site Remediation & Cleanup:

- **Site Information Program** - Info about contaminated sites and cleanup status. Links to the Known Contaminated Sites NJ listing and NJ Superfund Info.
- **Brownfields** - Urban land cleanup and recovery.

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Welcome to the Division of Land Use Regulation



[Hurricane Sandy Information Webpage](#)

About the Division: The management of New Jersey's lands plays an important role in the DEP's overall environmental protection strategy. What we do to our land is intimately tied to the health and quality of our streams, estuaries, coastal waters, wetlands, wildlife habitat and our drinking water.

The New Jersey legislature has charged the Department of Environmental Protection with the responsibility to regulate activities proposed in the Highlands, the State's coastal areas, wetlands, floodplains and other environmentally sensitive, "special areas". The Division of Land Use Regulation.

Quick Links

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STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF LAND USE REGULATION



Tidelands

Overview	Grants	Licenses	Statements of No Interest	Leases	Tidelands Resource Council
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Tidelands, also known as riparian lands, are all lands that are currently and formerly flowed by the mean high tide of a natural waterway. Barnegat Bay, a naturally tidal body of water, is an example of tidelands. However, New Creek, a tiny tidal stream that flowed through the city of Newark a century ago but has since been filled in and built over, is also an example of tidelands. New Jersey contains an extensive network of tidelands, both big and small.

The State of New Jersey claims ownership of these tidelands and holds them in trust for the people of the state. All tidelands are overseen by the Tidelands Resource Council, a board of twelve Governor-appointed volunteers, along with DEP staff at the Bureau of Tidelands Management.

Since tidelands are public lands, you must obtain written permission from the state and pay a fee in order to use these lands. Common uses of tidelands include docks, mooring piles, bulkheads and other fill materials. Some tidelands may be sold in the form of a Riparian Grant while others may only be rented through either a Tidelands License or Lease.

All money collected from the sale and rental of tidelands is deposited into a trust fund for state education and is also used as a guaranty against the bonds that are sold by local school boards.

Note: For Hurricane Sandy related questions, please [click here](#). If you have questions not answered by this question and answer document, please contact the Technical Support Center at (609) 777-0454, ext 4.

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Licenses

Overview	Fixed Structures	Marinas	Yacht/Boat Clubs	Dredging	Utilities	Bridges
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A Tidelands License is a short term rental agreement from the State of New Jersey for the use of its currently flowed tidelands.

Licenses must be procured for the following uses:

- Fixed structures (i.e. docks, piers, mooring piles, floating docks, boat lifts, riprap, etc) constructed on currently flowed tidelands
- Bulkhead extensions that exceed or will exceed the mean high water line (As formerly flowed tidelands, bulkhead extensions may be purchased from the State if desired; however, they must be rented via a valid License until a Riparian Grant is delivered.)
- Marina slips (defined as five or more rented boat slips)
- Yacht and Boat Club structures
- Dredging within state-owned tidal water
- Utilities or Utility-related structures (i.e. pipes, cable lines) that cross over or under state-owned tidelands
- Bridge construction/maintenance over state-owned tidelands

To view the instructions/applicaton for applying for a License, please click [here](#).

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Permitting

List of Common Project Types

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Tidelands

In the Beginning...

- Tidelands, or riparian lands, are intimately connected with the Public Trust Doctrine, having roots that extend all the way back to the 6th century Roman Empire and the reign of Emperor Justinian, between 529 and 534 A.D.
- In codifying civil law in the Institutes of Justinian, he declared: “*The seashore is owned by everyone, and no one.*” This set the stage for distinguishing between public and private property ownership.

Revolution!

- Since the King controlled, for the good of the realm, all public trust / tidal lands, private citizens had to petition the King for permission to develop or use riparian lands for their own private purposes.
- After the Revolutionary War, the State takes the place of the King as custodian and steward of public trust lands.

Early Days

- The earliest riparian grants were approved by the State Legislature, in a largely un-systematic manner.
- The earliest grant on record was on November 22, 1802, issued to Nathaniel Budd, for purposes of building a ferry dock near what is now Jersey City.

The Wharf Act of 1851

- In 1851, the Act, in simple terms, vested an upland owner the express right to “...*build docks or wharves upon the shore, in front of his lands, and in any other way to improve the same and, when so built upon or improved, to appropriate the same to his own exclusive use.*”

The Wharf Act Cont'd

- The 1851 Wharf Act resulted in large-scale filling in of tidal marshes and flats, and saw extensive construction of wharves and piers, largely in the New York Bay and Hudson River areas.

Repeal!

- Consequently, in 1869, a repeal of the Wharf Act was enacted that was limited to the New York Bay, Hudson River and Kill Van Kull areas.

Repeal!

- It was not until 1891, some 40 years after it became law, that the Wharf Act in the rest of the State was repealed and a ban established on any filling below the mean high water line unless a grant or lease was approved by the riparian land commissioners.
- Today's Tidelands Resource Council fulfills that role today.

TRC Cont'd...

- Legislation in 1864 established a Board of Riparian Commissioners, who, in the General Riparian Act of 1869 were vested with the full authority to issue grants and leases for tidelands in an organized fashion, using much the same systems we use today, with the very recent exception of no longer requiring the approval of the Governor.

TRC Cont'd

- In its existing form, the Tidelands Resource Council is a 12 member body, appointed by the Governor with the advice and consent of the Legislature.

The Fund for the Support of Public Schools

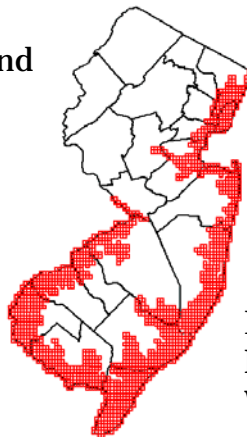
- Established in 1817
- N.J. Constitution of 1844, Art. IV, sec. 7, para 6
- N.J.S.A. 18A-56-1
- N. J. Constitution (1947), Art. VIII, sec. 4, para 2

TIDELANDS CLAIMS MAPS

- *O'Neill v. State Highway Department 50 NJ 307, 323(1967)*
- Results in State wide effort to map all State-claimed tide-flowed lands.

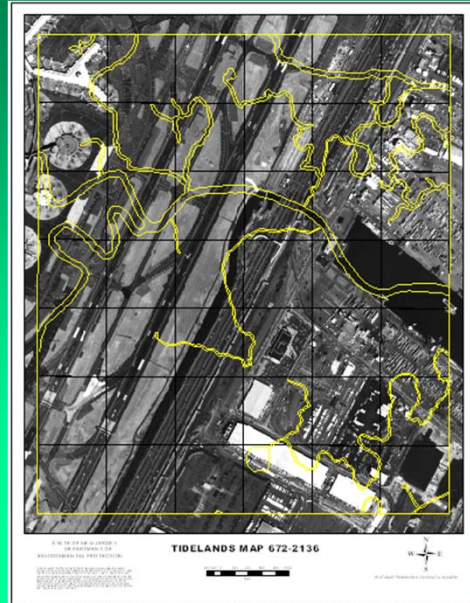
TIDELANDS MAP COVERAGE

Tidelands Are Found
in 17 Counties

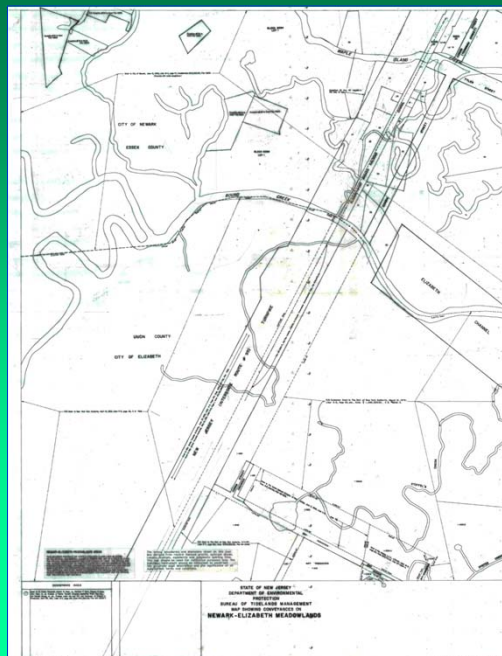


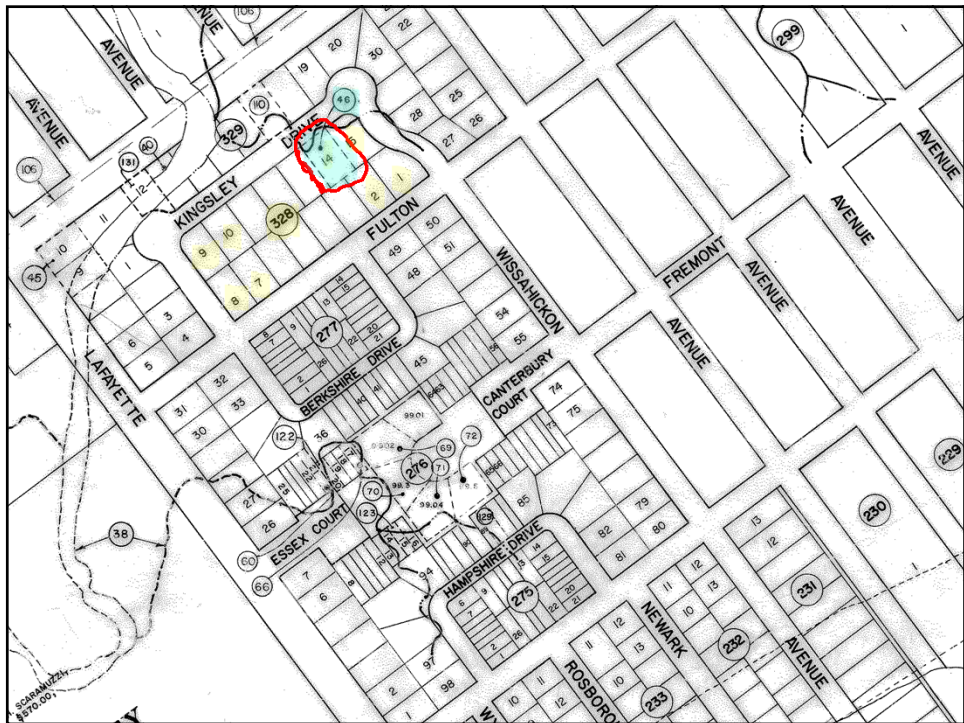
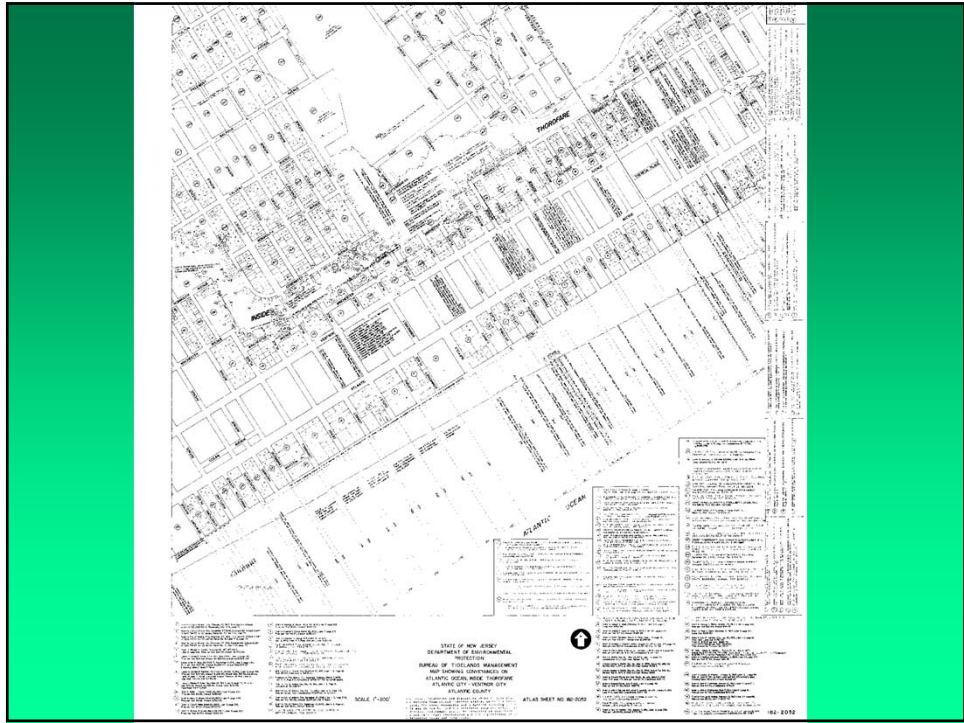
Except Hunterdon,
Morris, Sussex and
Warren


Tidelands Base Photo Map with Claims Line Overlay



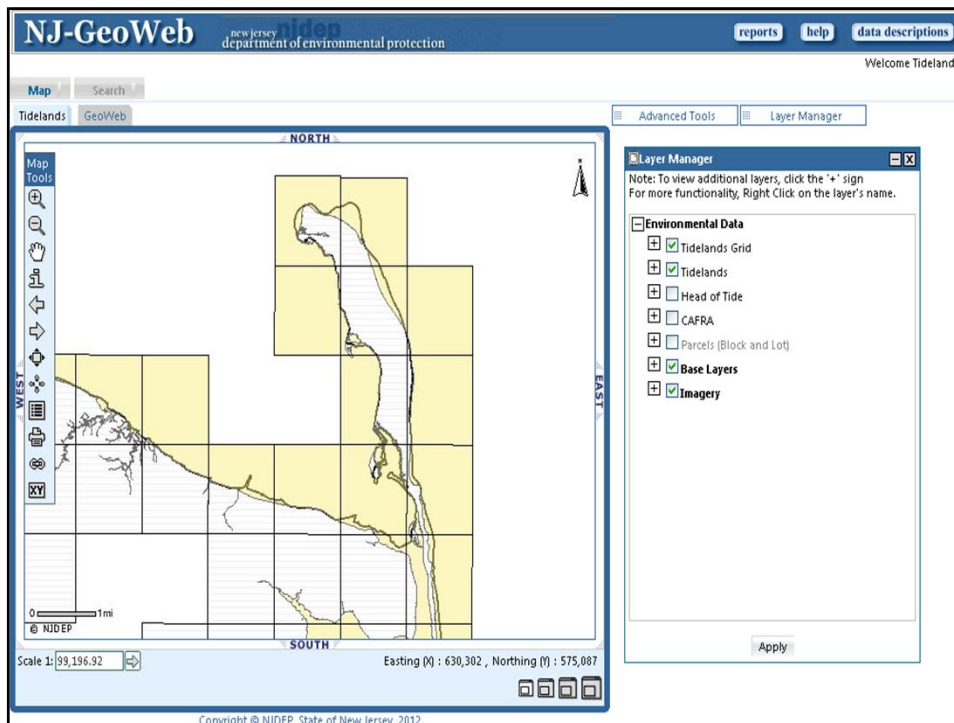
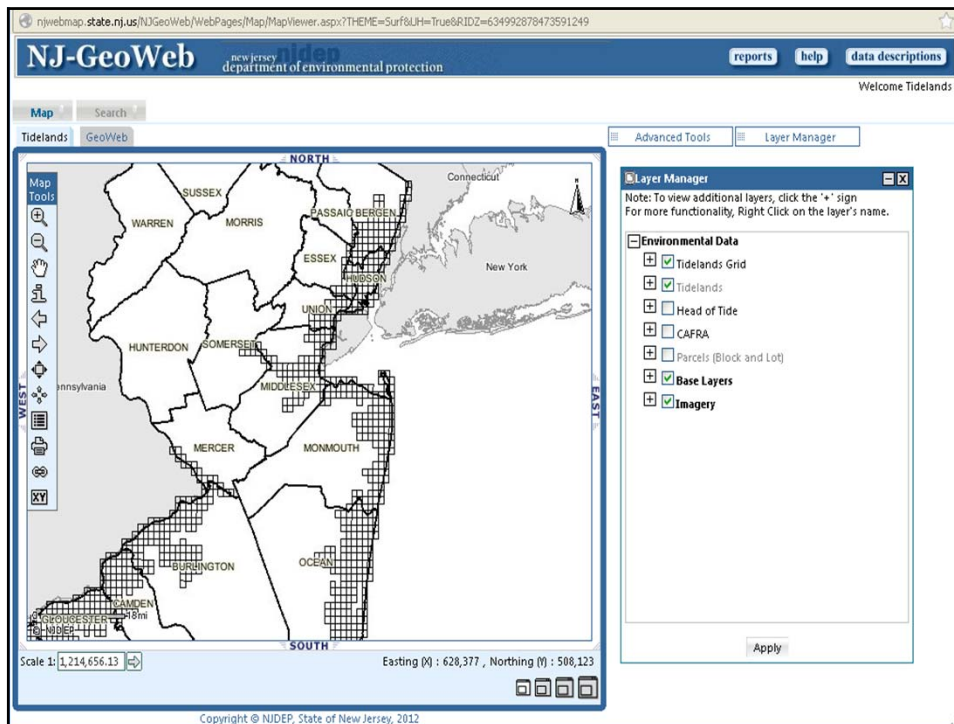
CONVEYANCE MAP

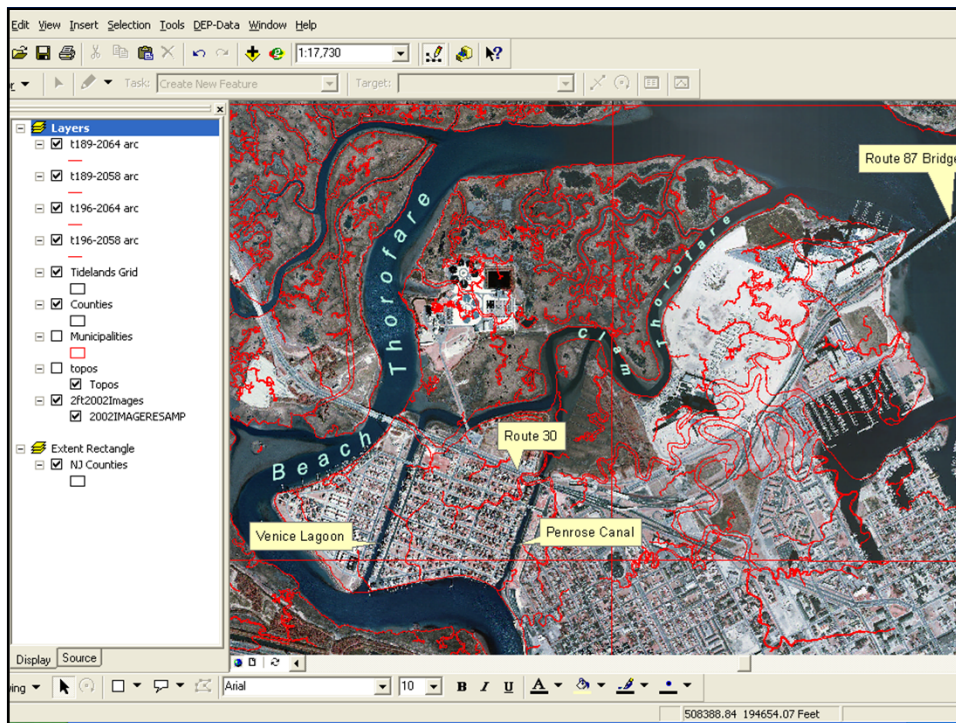
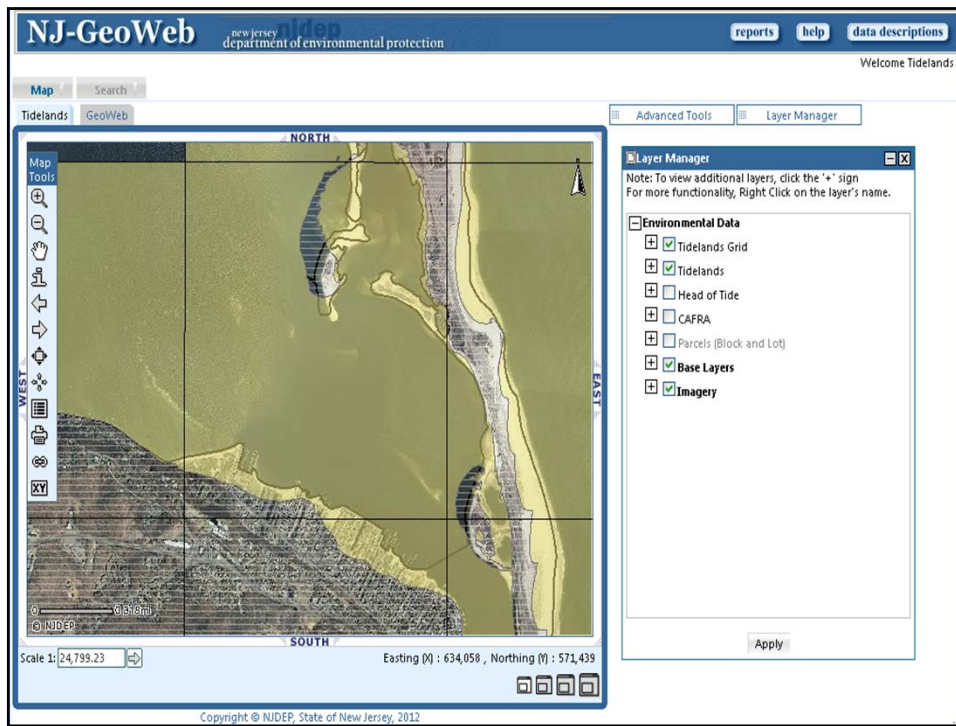


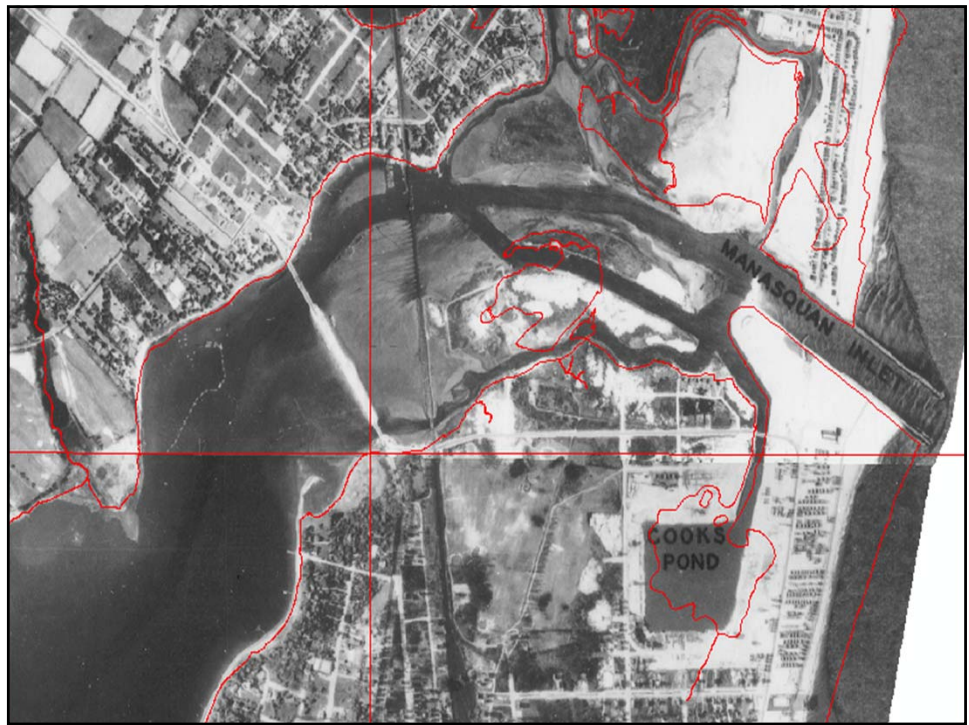
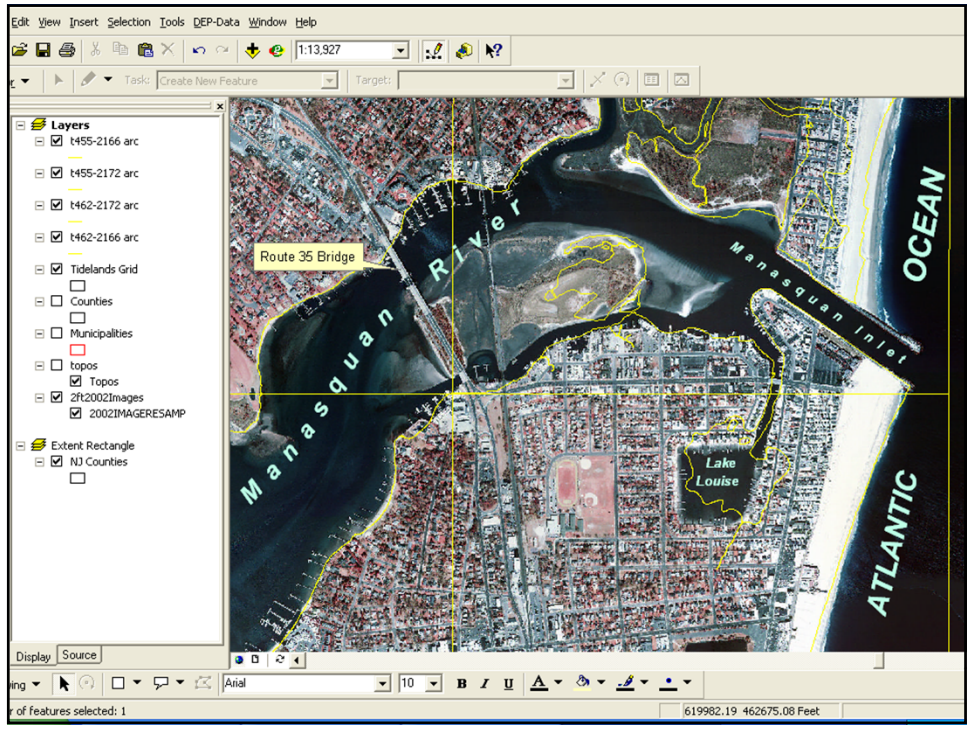


<ul style="list-style-type: none"> Site Cleanups Waste Management Parks & Forests Fish & Wildlife Climate Change Education Enforcement Environmental Justice Highlands Historic Preservation Pesticides Radiation Protection Recycling School Facilities Stewardship Sustainable Planning Citizen Business Event Calendars Information Tools DEP Online NJ-GeoWeb/i-MapNJ Map Data Data Miner Public Records (OPRA) DEP Bulletin Rules & Regulations Environmental Standards 		<p>After Sandy</p> <ul style="list-style-type: none"> Sandy Recovery Info State Parks Mobile App NJ Saltwater Registry Today's Air Quality Barnegat Bay Plan <p>Bob Martin, Commissioner</p>  <p>DEP Commissioner 401 E. State St. 7th Floor, East Wing P.O. Box 402 Trenton, NJ 08625-0402</p> <p>Featured Topics</p> <ul style="list-style-type: none"> Hurricane Sandy Information Rebuilding After Sandy Fact Sheet (pdf) Public Comment on Early Notice of Proposed Activity in a 100-year Flood Plain closes March 20, 2013 DEP Vision and Priorities (pdf) Governor's Executive Orders 1-4: Red Tape and Common Sense DEP Transformation Plan (pdf) DEP Goals: Next Generation of Environmental Management/Working
	<p>The second annual Dash for the Trash, a large-scale, volunteer cleanup of sections of the Delaware River and Bay as well as the Raritan River Basin will continue through March 16. DEP's New Jersey Watershed Ambassadors Program, in partnership with the New Jersey Clean Communities Council, has organized cleanups in 18 different towns along the two waterways.</p> <p>Read the DEP news release.</p>	
	<p>News Releases </p> <p>March 18, 2013 State Parks Make Great Strides Towards Post-Sandy Recovery; Liberty State Park Now Almost Fully Open; Christie Administration Hires Unemployed Workers to Aid the Parks Cleanup Effort</p> <p>March 15, 2013 DEP Conservation Officers Net Three Maine Men in Illegal Eel Harvesting Operation in Atlantic County</p> <p>March 15, 2013 Christie Administration Celebrates 30 Years of Trout Production at the Pequest Trout Hatchery</p> <p>March 14, 2013 New Jersey Declares Itself Free From Devastating Tree-Killing Pest</p> <p>More News Releases</p> <p style="text-align: center;">Want to receive NJDEP News Releases via e-mail? Enter your e-mail address and we'll do the rest!</p> <p style="text-align: center;"><input type="text"/> <input type="button" value="subscribe to dep news releases"/></p>	

<p>department of environmental protection</p> <h1>NJ-GeoWeb</h1> <p>new jersey nidep department of environmental protection</p>		
<ul style="list-style-type: none"> NJ-GeoWeb Home LAUNCH NJ-GeoWeb View the TUTORIALS Read the DISCLAIMER CONTACT US TRAINING 	<p>NOTE: If you are using IE 8.x or IE 9.x, run the application in Compatibility Mode by making the following change: Under Tools > Compatibility View Settings, in the "Add this website," text box, enter STATE.NJ.US then click "Add" then "Close". This should allow the application to work properly.</p> <div style="background-color: #4CAF50; color: white; padding: 5px; text-align: center;"> <p>Welcome to NJ-GeoWeb NJDEP's "next generation" environmental mapping tool</p> <p>Updated: Feb 2012</p> <p>With NJ-GeoWeb users can view and query the best of the NJDEP's Geographic Information System (GIS) data. NJ-GeoWeb users can link to reports from DEP Data Miner to access up to the minute environmental data related to selected features appearing on the map.</p> <p>There are profiles for Ambient Water Monitoring contributors, Barnegat Bay, Geology, Site Remediation (RPS), Tidelands, Well Drillers, and a one size fits all profile called GeoWeb. The GeoWeb profile was developed to allow users to explore a location or area of interest and view and query a great number of mapped environmental layers. It has NJDEP's greatest hits that are currently included in i-MapNJ DEP.</p> </div> <p>NJ-GeoWeb will make the i-MapNJ series obsolete in the future. We aim to make the user's experience a positive</p>	<p> NJDEP wins award for NJ-GeoWeb: 1st Place Web-Based Application at the 2009 ESRI International User Conference. View details.</p> <div style="background-color: #FFEB3B; padding: 5px;"> <p style="text-align: center;">View the Tutorials</p> <p>To become familiar with the new interface and the powerful new tools it possesses, we recommend that users:</p> <p style="text-align: center;">Watch the NJ-GeoWeb Demo and Review the Tutorials</p> </div> <p>To use NJ-GeoWeb, Select a profile and click the Launch button.</p> <p style="text-align: center;">GeoWeb <input type="button" value="Launch"/></p>
	<p>Sign up for NJ-GeoWeb Training</p>	









Hoboken – 1857 CGS

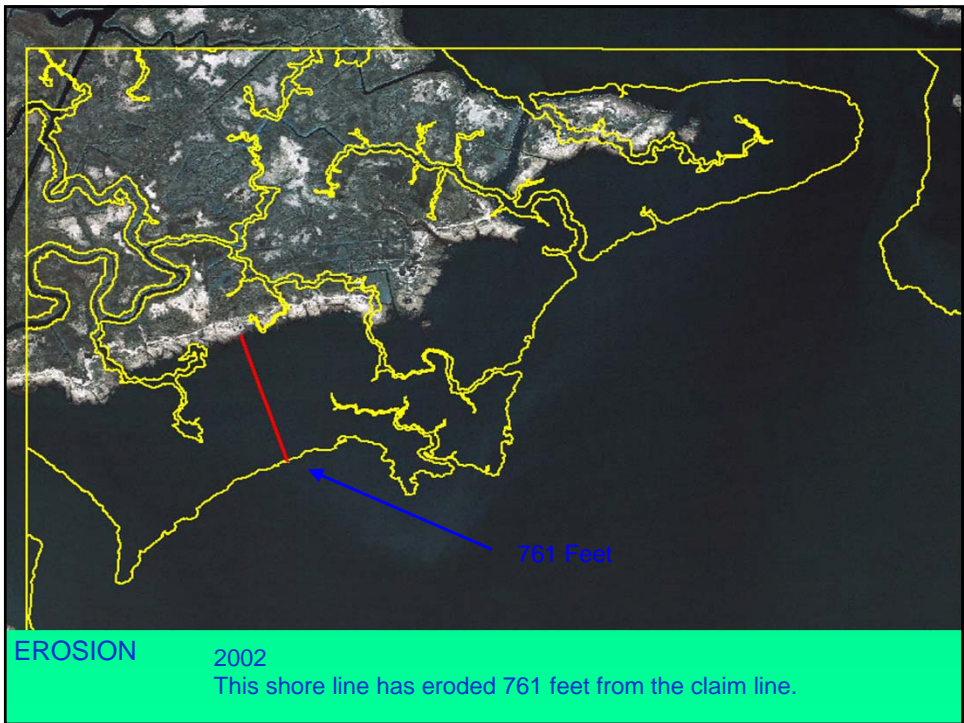
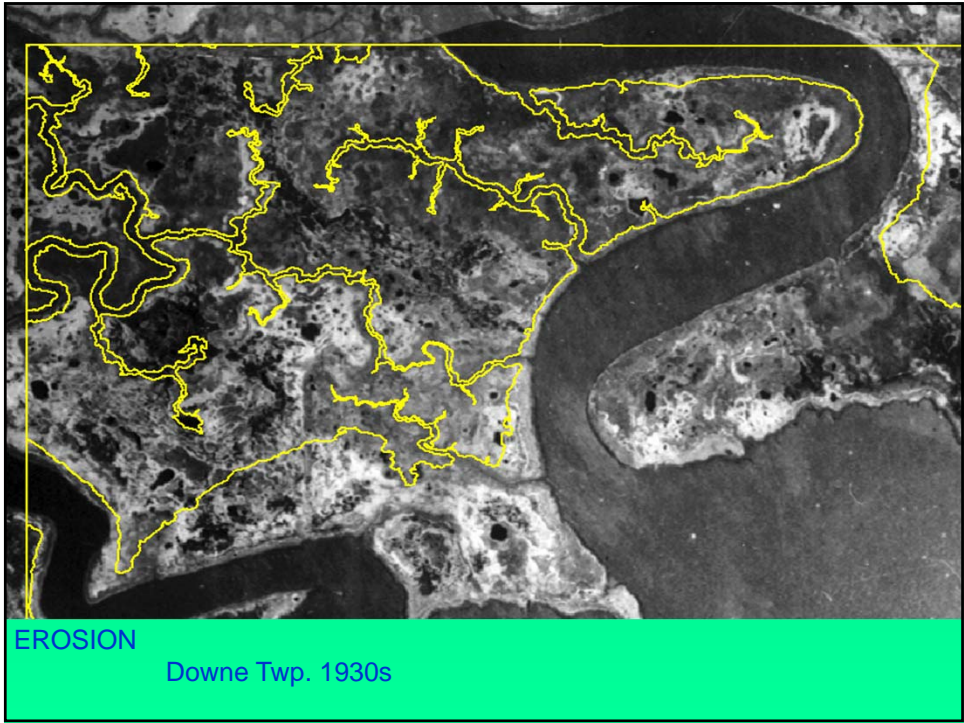


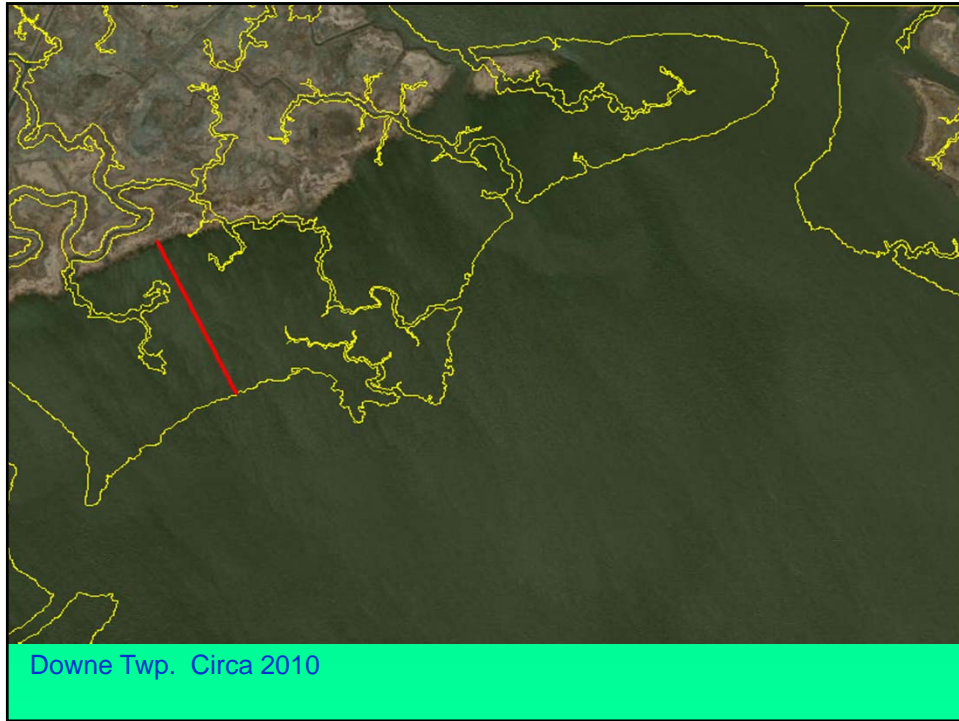
**BEYOND STATE TIDELANDS CLAIMS
MAPS--THE MAPS DON'T TELL THE
WHOLE STORY
(The Doctrine of Equal Compensation)**

- NATURAL EVENTS CAN CAUSE CHANGES IN OWNERSHIP
- EROSION - TITLE TO LANDS THAT SLOWLY ERODE SHIFTS TO THE STATE



Downe Twp. 1977 Basephoto

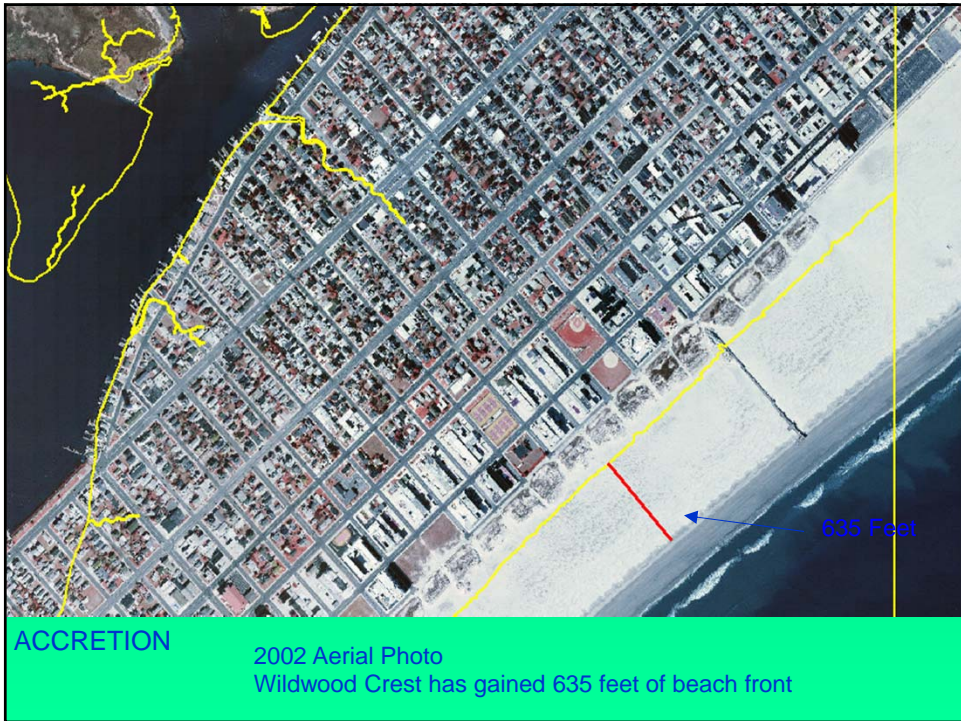
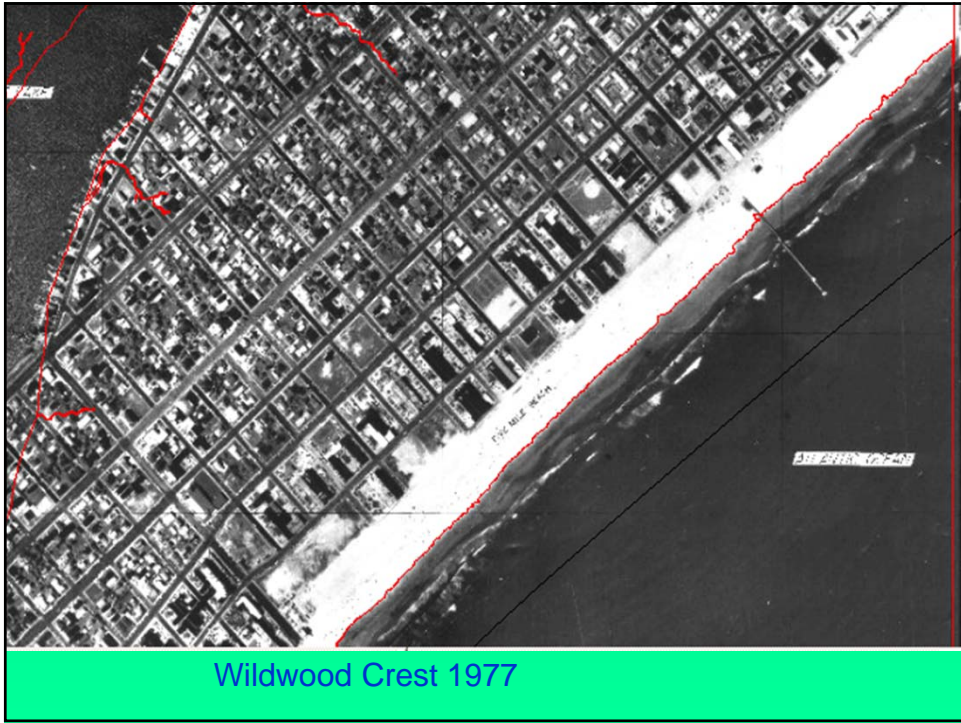




Downe Twp. Circa 2010

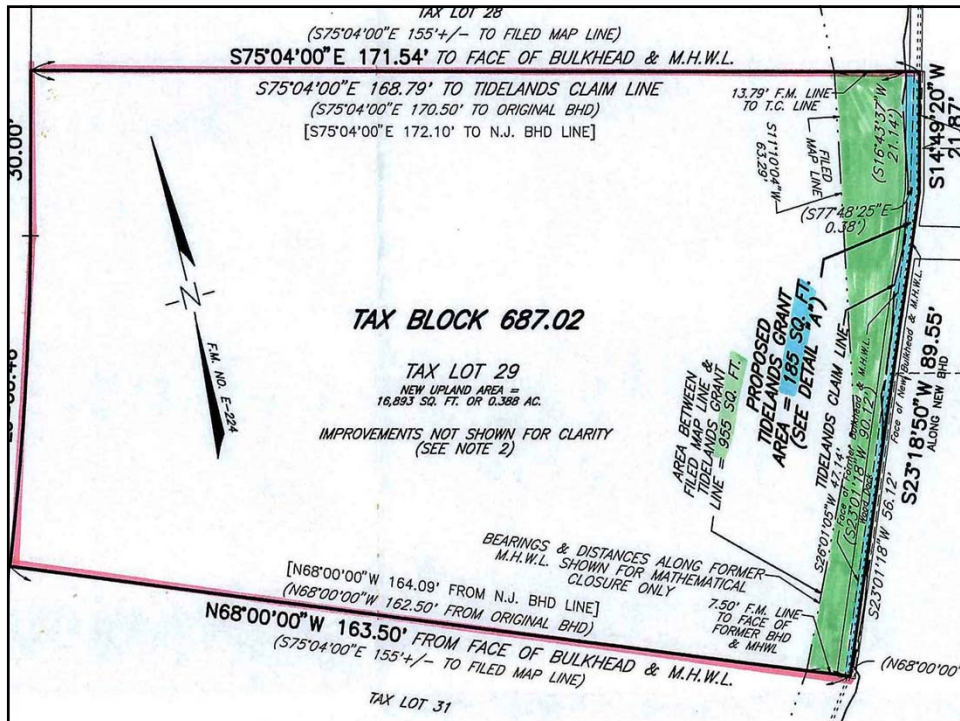
**BEYOND STATE TIDELANDS CLAIMS
MAPS--THE MAPS DON'T TELL THE
WHOLE STORY**

- NATURAL EVENTS CAN CAUSE
CHANGES IN OWNERSHIP
- ACCRETION - TITLE TO LANDS
THAT SLOWLY BUILD UP SHIFTS
TO THE UPLAND OWNER



BEYOND STATE TIDELANDS CLAIMS MAPS--THE MAPS DON'T TELL THE WHOLE STORY

- CLAIMS REVEALED BY DEED DESCRIPTIONS



WHAT WE ISSUE

- GRANTS: SALE OF STATE TITLE INTEREST OF FORMERLY TIDE-FLOWED AREAS
- LICENSES: RENTAL AGREEMENT FOR PRESENTLY TIDE-FLOWED AREAS
- LEASES: LONG TERM RENTAL AGREEMENT - HOMES OVER WATER

WHAT WE ISSUE (cont.)

- STATEMENTS OF NO INTEREST
- NOTICES OF ACTION (LIENS)
- ALL INSTRUMENTS MUST BE APPROVED BY THE TIDELANDS RESOURCE COUNCIL

LICENSES

- 10 YEAR TERM WITH ANNUAL FEE
- For 2013, \$0.53/s.f. FORMULA USED TO DETERMINE ANNUAL FEE, BUT MINIMUM FEE IS \$100.00. FEES INCREASE 2.5% EACH YEAR
- PRIOR USE AND OCCUPANCY
- ASSIGNING LICENSES

LICENSES

- MOST COMMON FOR RESIDENTIAL WATERFRONT PROPERTIES WITH DOCKS AND BULKHEADS ON NATURAL WATERWAYS
- LAGOONS: REQUIRED FOR AREAS INTERSECTED BY FORMER TIDAL STREAMS

LICENSES



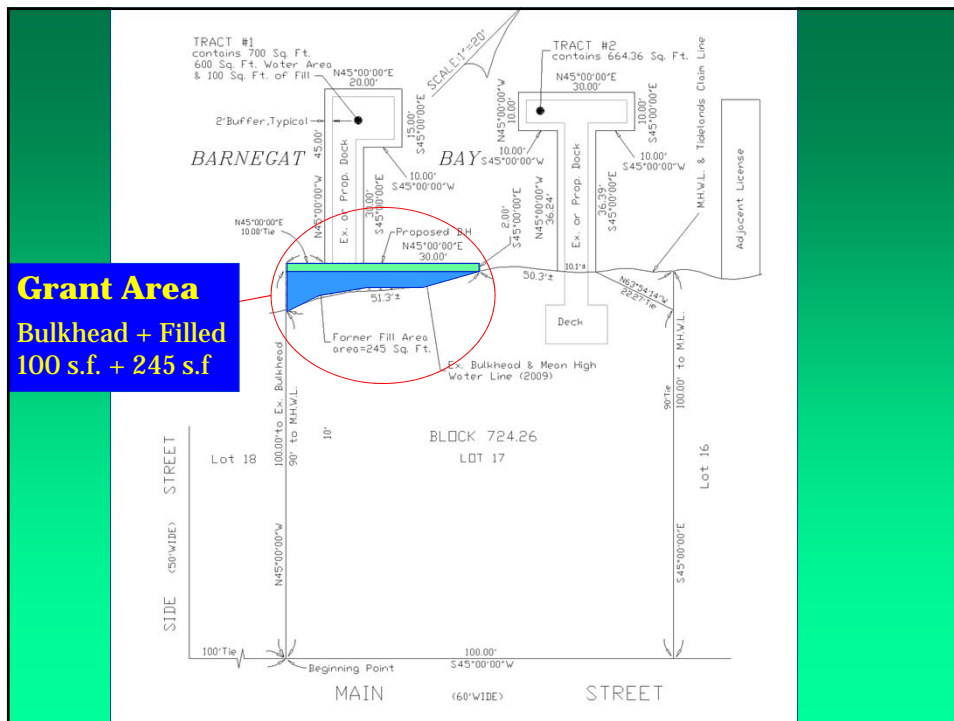
GRANTS

- MOST COMMONLY A SALE OF FORMERLY TIDE-FLOWED LANDS TO CLEAR RECORD TITLE
- STATE REQUIRED TO RECEIVE FAIR MARKET VALUE
- NO GRANDFATHERING

GRANTS

APPLICATION REQUIREMENTS

- MUST BE UPLAND PROPERTY OWNER TO RECEIVE GRANT
- NARRATIVE APPRAISAL
- SURVEY, RECORDED DEED, AGENT'S AUTHORIZATION FORM



Discounts

- The Council routinely considers offering two distinct types of discounts off the Grant consideration; Litigation Risk or Good Faith. Currently, both types of discount are offered at 75%

Discounts Cont'd

- Review staff will recommend the Council consider a discount if it cannot find evidence of remnants of the claim area on its earliest available photography



2002 imagery showing a former claim derived from an 1880 source.



1920 imagery, confirming the location and depiction of the stream claimed by the State, using its 1880 source. In this case, no Litigation Risk discount is offered.

STATEMENT OF NO INTEREST

- **Formal, Recordable Declaration by the State that there are NO Tidelands Claims on the Subject Property**
- **Need one of 3 categories to qualify for an SNI**
- **\$250.00 FEE PAID UP FRONT**

NOTICE OF ACTION

- **Acts like a lien**
- **Serves notice in any Title Search that there's a problem**
- **NOA will be filed when:**
 - **License Payments are Delinquent**
 - **Failure to Submit Required Application Documents for Legalization**
 - **No response to Notice of Violation**

THE END

Thanks for your kind attention!