

## **Introduction**

The staff of the Bureau of Tidelands Management has prepared this pamphlet to explain a topic which can be confusing and intimidating to property owners. We hope that we have covered the most frequently asked questions and that this information helps you understand more about tidelands. We certainly could not cover every conceivable issue in this pamphlet, so we encourage you to contact our office when you need further information.

*Jo Ann Cubberley, C.P. (ASPRS)  
Manager  
Bureau of Tidelands Management*

### **Q. What are tidelands?**

A. 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.

### **Q. Who owns the tidelands?**

A. The State of New Jersey owns all tidelands, unless it has already sold its ownership.

### **Q. What are riparian rights?**

A. 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.

### **Q. What is a tidelands grant?**

A. 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.

### **Q. What is a tidelands license?**

A. 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, usually seven years.

### **Q. What is a tidelands lease?**

A. 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.

### **Q. What is a Statement of No Interest?**

A. 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.

### **Q. What do I need to obtain a grant, lease, license or Statement of No Interest?**

A. The Bureau will send you an application package which includes all of the forms required. Our address and phone number are on the front of this pamphlet.

### **Q. Who makes the decision regarding tidelands applications?**

A. The Tidelands Resource Council, consisting of 12 members appointed by the Governor, makes the initial decisions to sell or rent tidelands. All of the decisions must be approved by the Commissioner of the Department of Environmental Protection. Tidelands grants must be approved and signed by the Attorney General and the Governor.

### **Q. Can a tidelands application be denied?**

A. Yes. The State is under no obligation to sell or rent its tidelands. The State must find that any sale or rental is in the public interest, and then make a determination as to the cost.

### **Q. What other State approvals do I need to build on tidelands?**

A. Depending on the project, you will need a waterfront development permit, coastal or freshwater wetlands permit, CAFRA permit or water quality certificate. For more information about these regulatory permits, you should contact the Land Use Regulation Program, P. O. Box 439, Trenton, NJ 08625-0439 (609-292-0060)

### **Q. I've had a dock for many years. Why isn't it grandfathered under these rules?**

A. Tidelands laws have been in effect since New Jersey became a State and there is no grandfathering. When legalizing a structure which occupies State owned lands, you will be required to pay a back rental charge as determined by the Council.

### **Q. Isn't paying for tidelands a double tax?**

A. The money that is paid for tidelands licenses and leases is not a tax. It is a rental payment for the use of State owned lands.

### **Q. Where does all of the money go?**

A. The money collected from the sale or rental of tidelands is deposited into a trust fund for State education and is also used as a guaranty against the bonds which local school boards sell.

### **Q. How long will it take to get a tidelands license?**

A. The tidelands license process generally takes 4 to 6 months. You must remember to apply for all required permits at the same time. A delay in obtaining permits will also delay your tidelands license.

### **Q. How long will it take to get a tidelands grant or lease?**

A. Leases and grants require more complex processing and involve obtaining the approval of many State officials, including the Attorney General and Governor. Total processing time can be as long as one year to eighteen months.

**Q. How much will it cost for my grant, lease or license?**

A. The prices approved by the Council are based upon the fair market value of your land, but there are many factors which determine the final consideration. We can not give you a specific number until your application is reviewed by staff and approved by the Council. While there are no "up-front" filing fees for these applications, there will be a processing charge (based upon the consideration) once an application is approved by the Tidelands Resource Council.

**Q. Are there any minimum grant and license considerations?**

A. Yes, the minimum grant consideration is \$1000.00; the base license fee is \$100.00 per year plus the value of land being rented.

**Q. What is the charge for a Statement of No Interest?**

A. There is a processing charge of \$250.00, which is required after the Council approves a Statement of No Interest.

**Q. Why do I need a tidelands license and my neighbor don't?**

A. Your neighbors may have tidelands grants which cover the structures. This means that they own the area and do not have to rent it from the State. Before the mid-1970's, the State sold its water areas.

**Q. Why do my neighbors pay less for their licenses than I do?**

A. The areas needed for the licenses may be smaller, or the properties may have been worth less when they received their licenses.

**Q. How can I find out if my property is affected by a tidelands claim of ownership or if it already has a tidelands grant, lease or license?**

A. You may write to the Bureau and we will research it for you. We will need the exact owners' names, tax lot and block and a copy of any survey you may already have. (Don't obtain a survey just for this inquiry. If you don't have one available, we will use the tax maps to locate your property. While this is not as accurate as using a survey, you should not take on this additional expense for this letter.) You may also review the tidelands maps at the county and municipal Clerk's office to determine if your property is affected by a tideland claim. However, you will not be able to determine if the State has issued a tidelands conveyance for your property by simply reviewing those maps.

**Q. I am thinking about buying a property at the shore. Can I find out if a property is affected by a tidelands claim even if I don't own it?**

A. We will research this information for anyone who asks. You must make your request in writing, and provide the information listed in the above answer.

**Q. May I purchase copies of the tidelands maps or other documents?**

A. Yes. Please either mail or FAX your order to our office. We can tell you the cost of items before you order them. Orders are generally filled within 1 to 2 working days of receipt.

**Q. What if I have other questions that aren't covered in this pamphlet?**

A. Please feel free to call the Bureau of Tidelands Management office. The phone number is on the front of this pamphlet. Specific questions regarding the tidelands status of a property must be made in writing, but we will try to answer as many of your general questions by phone that we can.



## **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**



*Christine Todd Whitman  
Governor*

*Robert C. Shinn, Jr.  
Commissioner*