

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 if you need further information.

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 creation of the lagoon.

Q. Who owns the tidelands?

A. The State of New Jersey owns all tidelands except for those to which it has already sold its interest in the form of a riparian grant.

Q. What are riparian rights?

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

Q. What is a riparian grant?

A. A riparian grant, or tidelands grant, is a deed from the State of New Jersey selling its tidelands. Tidelands grants are generally only issued for lands that have already been filled in and are 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, bulkhead extensions, mooring piles, and other temporary structures as well as for dredging projects. Licenses are project specific and expire after a finite term ranging from one to ten years. Most licenses may be renewed.

Q. What is a tidelands lease?

A. A tidelands lease is a long term rental document to use tidelands generally for homes over water. The term of a tidelands lease is generally twenty years.

Q. What is a Statement of No Interest?

A. A Statement of No Interest is a recordable document that states that the State of New Jersey has no tidelands ownership interest in a property.

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

A. You may obtain an application package by telephoning the Bureau or by visiting our website at <http://www.nj.gov/dep/landuse/tideland.html>. Each package will contain a set of instructions as well as a list of the application requirements and a set of appropriate forms. The Bureau's telephone number and mailing address are located on the front of this pamphlet.

Q. Who makes the decisions regarding tidelands applications?

A. The Tidelands Resource Council, a body of twelve Governor-appointed members, makes the initial decisions to sell or rent tidelands. All of the decisions must then be approved by the Commissioner of the Department of Environmental Protection. Tidelands grants and leases must also 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 Division of Land Use Regulation tech support line at (609) 777-0454.

Q. I've had a dock for many years. Why isn't it grandfathered?

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

Q. Where does all of the money go?

A. The money collected for 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 which local school boards sell.

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

A. The license process generally takes 6 to 12 months. You must remember to apply for all required permits before or at the same time that you apply for a license. A delay in obtaining permits will also delay your license.

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

A. Grants and leases require more complex processing and involve obtaining the approval of many State officials including the Governor. Total processing time can be as long as two to three years.

Q. How much will my grant or lease cost?

A. The prices approved by the Council are based upon the fair market value of the land, but there are many factors which determine the final consideration. We cannot give you a specific number until your application is reviewed by staff and approved by the Council. In addition to the consideration, there will be a processing charge for every application.

Q. How much will it cost for my license?

A. Annual license fees are based upon the impact on the tidelands. Generally, the larger the impact area, the higher the fee. We cannot give you a specific number until your application is reviewed by staff and approved by the Council. In addition to the consideration, there will be a processing charge for every application.

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

A. Statements of No Interest have a one-time upfront fee that may change over time. For the current fee, please contact the Bureau.

Q. Why do I need a tidelands license when my neighbors do not?

A. Your neighbors may have tidelands grants which cover the structures out shore of their properties. This means that they own the area, and do not, therefore, have to pay rent for it. Up until the mid 1970s, the State sold its water areas. It no longer does so.

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

A. Their license area may be smaller. Generally, the smaller the area, the smaller the fee.

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 review the tidelands maps at the county and municipal Clerk's office to determine if your property is affected by a tidelands claim. However, you will not be able to determine if the State has issued a tidelands conveyance for your property by simply reviewing these maps. Therefore, you may also write to the Bureau with a request for evidence of tidelands ownership. This request must be in writing and must include the tax lot and block, street address, county and municipality for the property as well as a copy of any survey that you may already have. These determinations by the Bureau are unofficial and non-binding.

Q. I am thinking about buying a property at or near the shore. Can I find out if a property is affected by a tidelands claim even if I do not own it?

A. The Bureau will research this information for anyone who requests it. The request must be in writing and must provide the information listed in the previous answer.

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

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

Q. What if I have other questions that are not covered in this pamphlet?

A. Additional information is provided on our website <http://www.nj.gov/dep/landuse/tideland.html>. Specific information regarding grants, licenses, leases and Statements of No Interest can be found in the instruction section of each conveyance's application package. Just click on the PDF link on the website for each package. Also, please feel free to call the Bureau at the telephone number listed on the front of this pamphlet. Questions regarding the tidelands status of a property must be submitted in writing, but we will answer general questions by telephone.



New Jersey's Tidelands

Frequently Asked Questions and Answers

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