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TIDELANDS MAPS

AND THE

COASTAL PROPERTY OWNER

* * * * *

A FACT SHEET, QUESTIONS, ANSWERS

AND WHERE TO TURN FOR HELP

* * * * *

MAY 1982

(SECOND PRINTING - JUNE 1982)

Let's protect our earth



NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

DIVISION OF COASTAL RESOURCES

BUREAU OF TIDELANDS

CN 401

TRENTON, NEW JERSEY 08625

609-292-2573

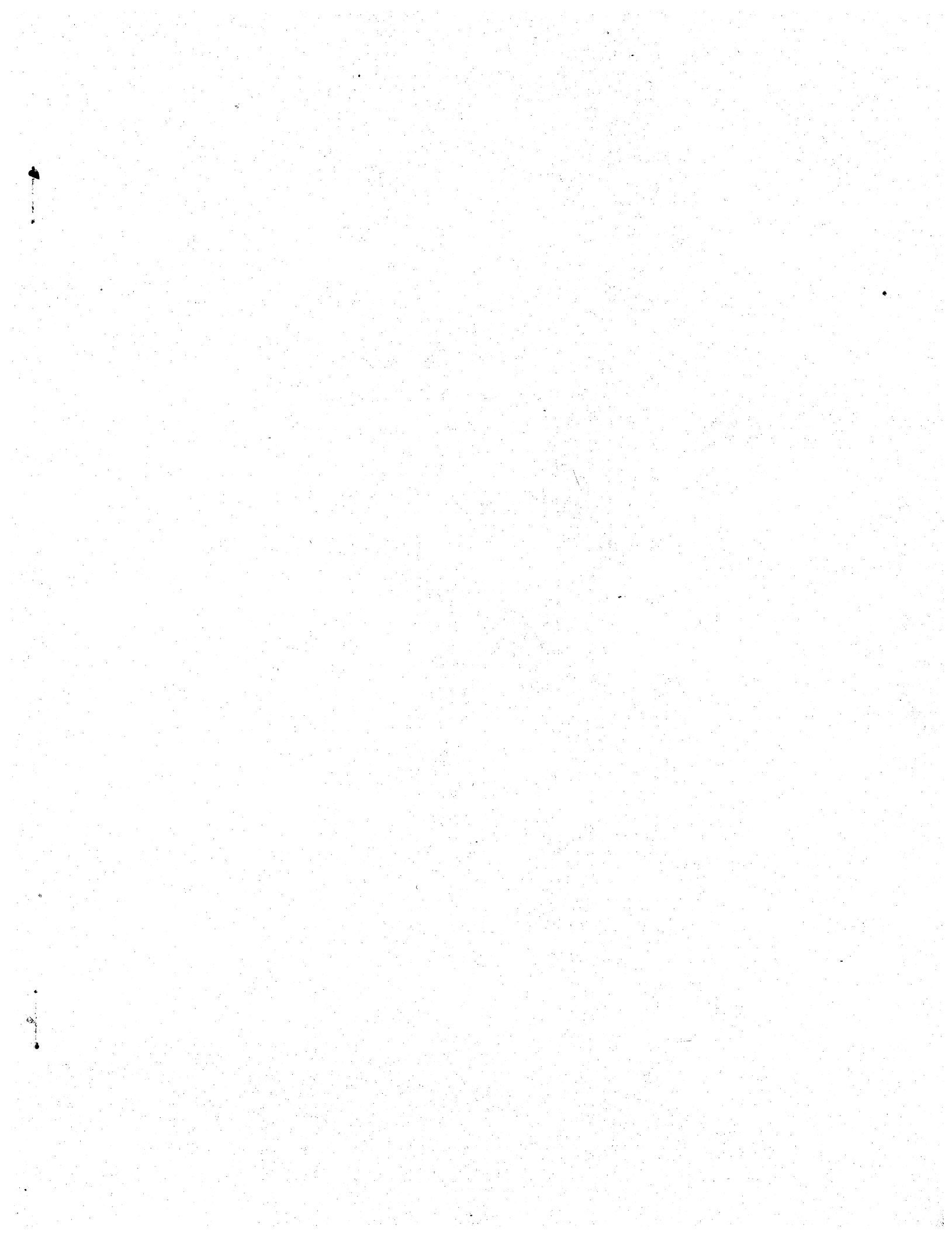


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FOR MORE INFORMATION ABOUT TIDELANDS

THE NEW JERSEY RIPARIAN RIGHTS HANDBOOK

PIERS, DOCKS, BULKHEADS AND MOORINGS: A HANDBOOK FOR
PERMIT AND LICENSE APPLICANTS

The above books are available from the Division of Coastal
Resource's Information Center.

Coastal Information Center
CN 401
Trenton, New Jersey 08625

Attention: Wilma Wilt
Phone: 609-292-0060

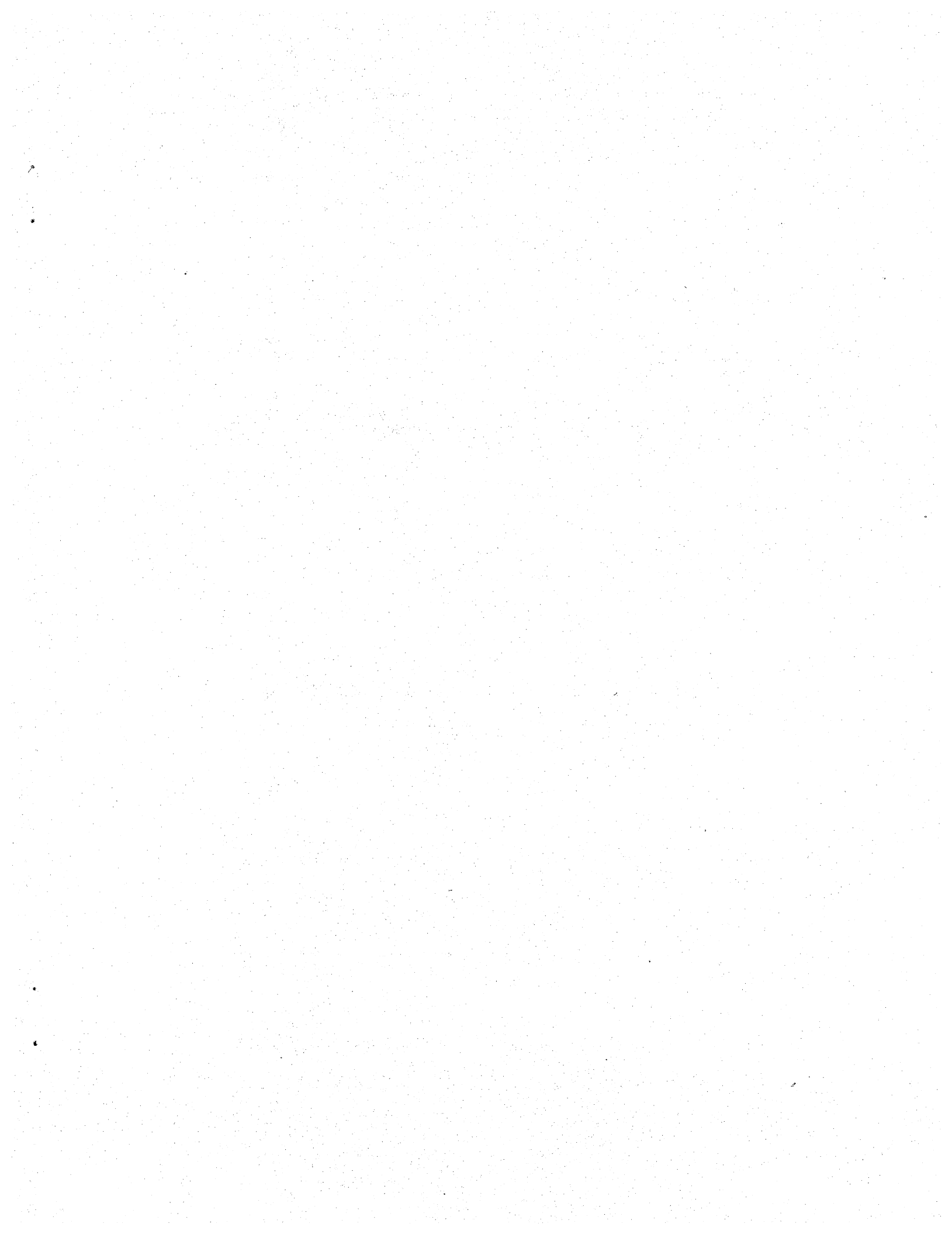
HELPFUL D.E.P. ADDRESSES AND TELEPHONE NUMBERS

Bureau of Tidelands
CN 401
Labor and Industry Building, Room 711
Trenton, NJ 08625
(609) 292-2573

Bureau of Coastal Enforcement and Field Services
1433 Hooper Avenue
Toms River, NJ 08753
(201) 341-3977

Bureau of Coastal Enforcement and Field Services
Southern Region Field Office
Stockton State College
Pomona, NJ 08240
(609) 652-0004

Bureau of Coastal Project Review
CN 401
Labor and Industry Building, Room 702
Trenton, NJ 08625
(609) 292-0060



INFORMATION ON TIDELANDS MANAGEMENT PROGRAM

Introduction

The effective management of the State's interest in tideflowed lands requires that all concerned parties have a clear understanding of the extent of the public's holdings. It is also essential that the boundary line dividing State and private ownership be clearly delineated. To realize these objectives accurate studies and maps have been prepared.

The Department of Environmental Protection on behalf of the Tidelands Resource Council prepared maps that combined physical, ultimately biological, historical and aerial photographic data. A series of overlays are used for historical information, sources being old maps, charts, surveys, aerial photographs, to reconstruct the location of a former mean high tideline.

Background

The term riparian lands commonly refers to lands which are now or once were submerged and tidally flowed. There is a generally held belief that the owner of the abutting upland is also the owner of the adjacent riparian land. However, title to riparian lands is held by the State, and was ultimately derived from the trusteeship of the King of England prior to the American Revolution.

Ownership or control of riparian land can change. The State may convey title outright (in the form of a grant) or it may, in effect, rent the lands by conveying some lesser interest (in the form of a lease or license). Natural events can also cause shifts in ownership. Title to upland areas that slowly and imperceptibly erode shifts to the State. Conversely, title to submerged lands which slowly and imperceptibly build up and become part of the upland (a process called "accretion"), goes to the upland owners. Changes which are rapidly and perceptible (those caused by a storm for example) or result from illegal filling or excavation do not cause changes in ownership, even if they occurred long ago.

State law requires that requests to buy or rent riparian lands be reviewed and decided upon by the Tidelands Resource Council, a twelve member board appointed by the Governor, with the advice and consent of the State Senate. In the past, the State conducted case-by-case reviews as they came before the Council to determine exactly where public ownership ended and private ownership began. In 1976, however, the Legislature appropriated funds for a full-scale, statewide mapping program. A number of lengthy court cases dealing with the methodology used to conduct mapping in the Hackensack Meadowlands delayed process somewhat, until the New Jersey Supreme Court gave its approval to the general method in May, 1980. The program is now proceeding on a regular basis in other parts of the State as well.

The New Jersey Constitution requires that the proceeds from the sale or use of riparian lands be placed in a Fund for the Supprt of Free Public Schools. The fund, which currently has a balance of \$38 million, is used to guarantee local school bond issues. As a result of the use of the fund for this program, the ratings given to local bond issues have been improved considerably, making them more saleable.

HOW TO USE TIDELANDS CLAIMS OVERLAYS

The "map" adopted by the Tidelands Resource Council, as required by State law to establish the public's claim to tidelands, shows only the line separating the upland from these lands now or formerly flowed by the mean high tide. The line is drawn precisely on clear plastic and must be used with another base map, as an "overlay", as a frame of reference in order to identify an individual block and lot, a public street, a specific waterway, or other features that show up on various maps.

The attached sample of maps, from Secaucus in Hudson County, showing N.J. State Highway Route 3 and a bridge across the Hackensack River, demonstrate how to use the adopted Tidelands Claims Overlays. These maps may be consulted at the DEP offices listed on page i.

First, Map 1 shows the Photo Base Map used by DEP. Prepared from precise aerial photography taken in 1971, the photo base map is at a scale of 1 inch equals 200 feet (1:2,400), the same scale as the claims overlays. DEP has available today 1,632 photo base maps covering all the tidal areas of the State.

Second, the Tidelands Claims Overlay Map has only a thin line delineating lands which are now and were once submerged and flowed by the tide. The "tick" marks on the lines indicate which side of the line is "upland". In some places the line follows the present shoreline of, for example, a tidal river or bay. In other places the line points out where a tidal creek or ocean inlet once flowed, but was filled years ago. DEP's Office of Environmental Analysis drew these lines by following a rigorous, multi-step scientific process, according to mapping principles adopted by the Tidelands Resource Council.

Third, the Tidelands Conveyance Overlay, prepared by DEP's Bureau of Tidelands, shows the location of tidelands grant, leases and licenses, areas where the State, through the Tidelands Resource Council, or its predecessor agencies or the Legislature has previously sold or rented the State's interest in publicly-owned tidelands. DEP has prepared 121 conveyance overlays to date, at a scale of 1 inch equals 200 feet, the same scale as the claims overlays. While DEP is completing the conveyance overlays, DEP uses "Riparian Atlas Sheets", prepared at different scales over the past 80 years to record the location of conveyances.

Fourth, to determine if an area claimed by the State has already been conveyed, prepare a composite map by making a sandwich of the photo base map, claims overlay, and conveyance overlay. Map #4 shows tidelands areas, in ||||, that the State previously conveyed. The "Claim" shown on the claims overlay may not, therefore, represent a claim against the property owner, since the State may have conveyed a valid interest in that land. However, the area shown in is claimed and has not been conveyed. In this specific site, the property owner has a cloud of his title and should contact DEP and take steps to clarify his ownership.

Reservation Statement

The maps adopted by the Tidelands Resource Council on May 27, 1982 all contain the following reservation statement attached to the claims overlays:

"Article VIII, Section 5, Paragraph 1 of the New Jersey Constitution requires the State to assert its riparian claim to land which has not been flowed by the tide since November 3, 1941 by November 3, 1982, or forfeit its claim. Similarly, as to land which acquires the status of property not tidally flowed for 40 consecutive years after November 3, 1981, the State must assert its riparian claim before the conclusion of the 40 year period or lose it. These maps are adopted to avoid these forfeitures and constitute the State's claims to riparian lands.

The claims lines do not reflect the changes constantly occurring from the movement of land and water at the ocean's shore and elsewhere, or the impact of additional data which may become available or usable after the maps were drawn. Also, the claims lines do not show valid grants made by the State, and, therefore, also do not reflect grant overlaps, ungranted riparian land inshore or adjacent to grants, or the legal effects of failed grants. Nor do the lines drawn reflect or impact on claims made in particular litigation, or reflect filling under the Wharf Act of 1851 or the location of the former head of tide in inland waterways. In all these respects the lines are subject to alteration.

To the extent not precluded by the New Jersey Constitution or applicable law, the Tidelands Resource Council reserves the right to adjust the claims lines landward or waterward as new evidence becomes available."

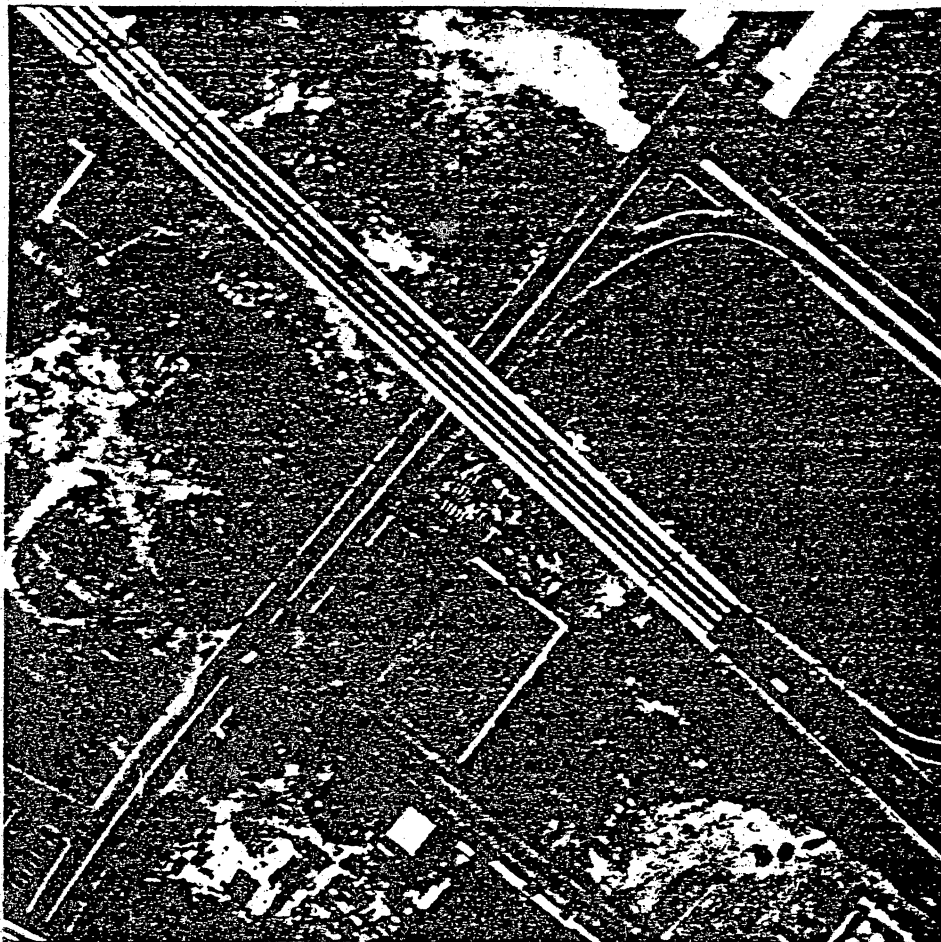
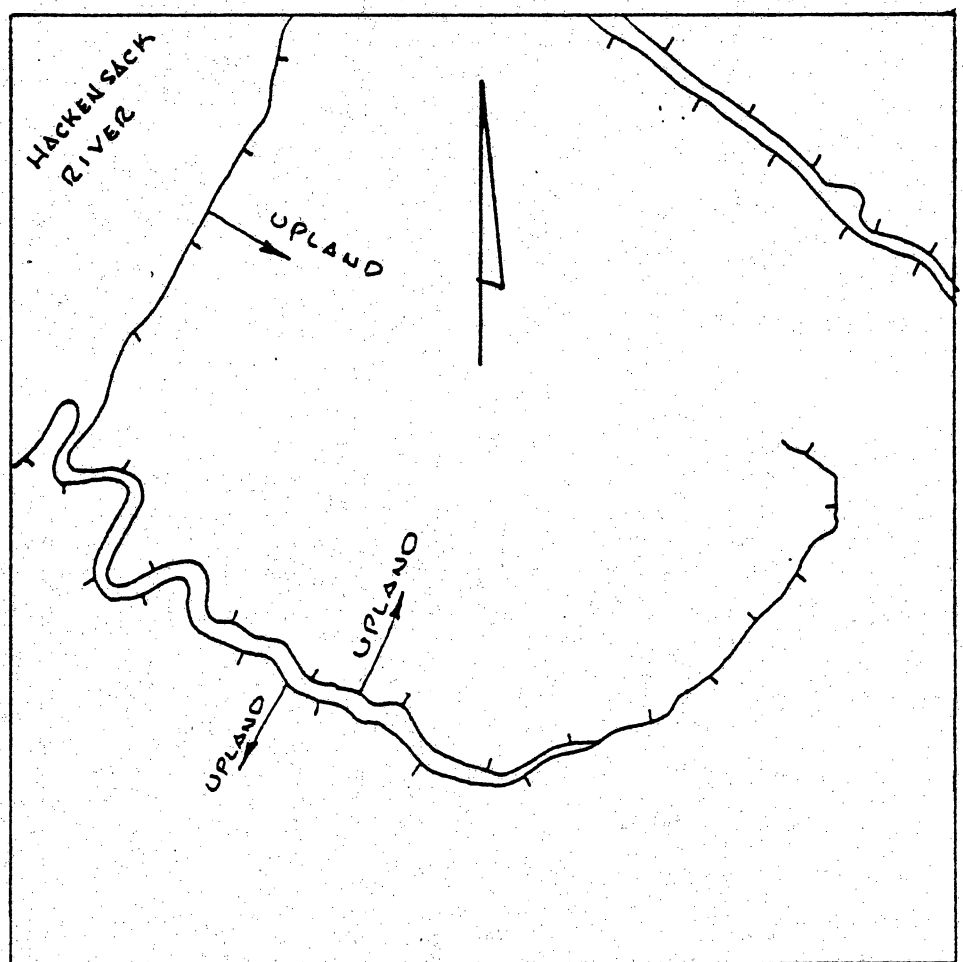
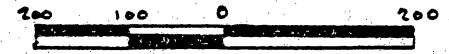


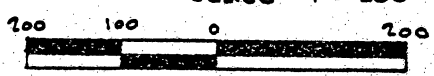
PHOTO BASE
MAP

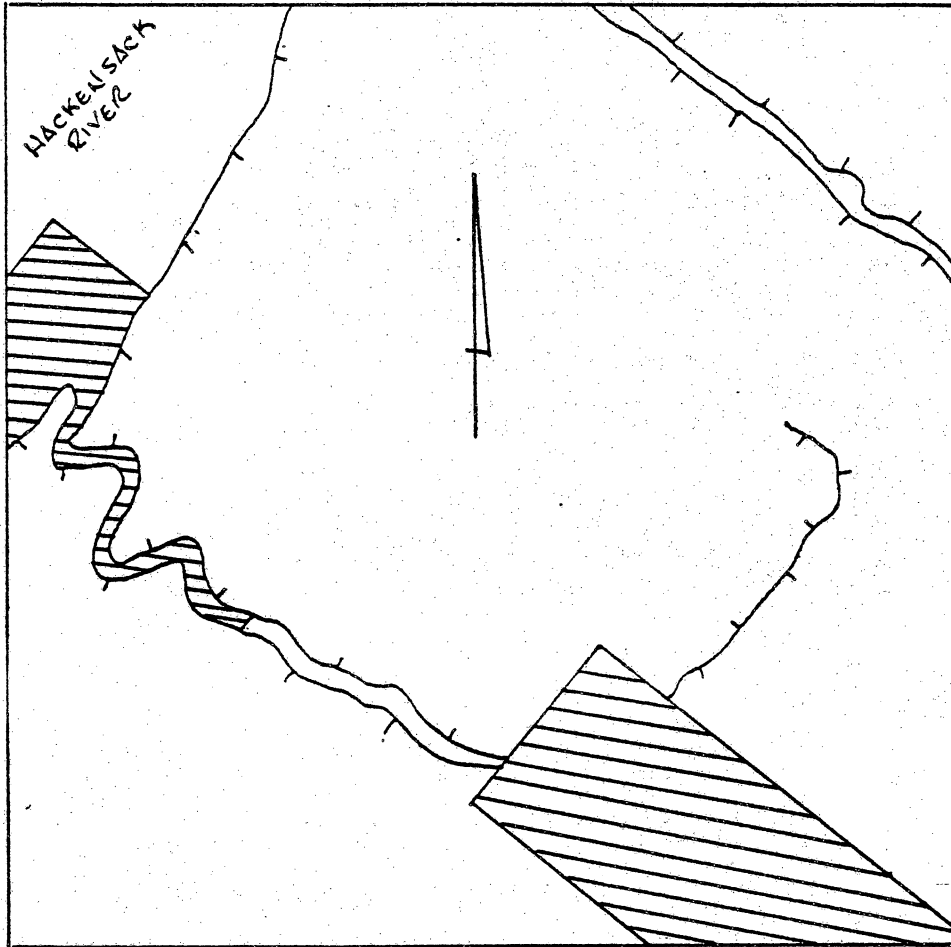
SCALE : 1" = 200'



TIDELANDS
CLAIMS
OVERLAY
MAP

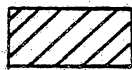
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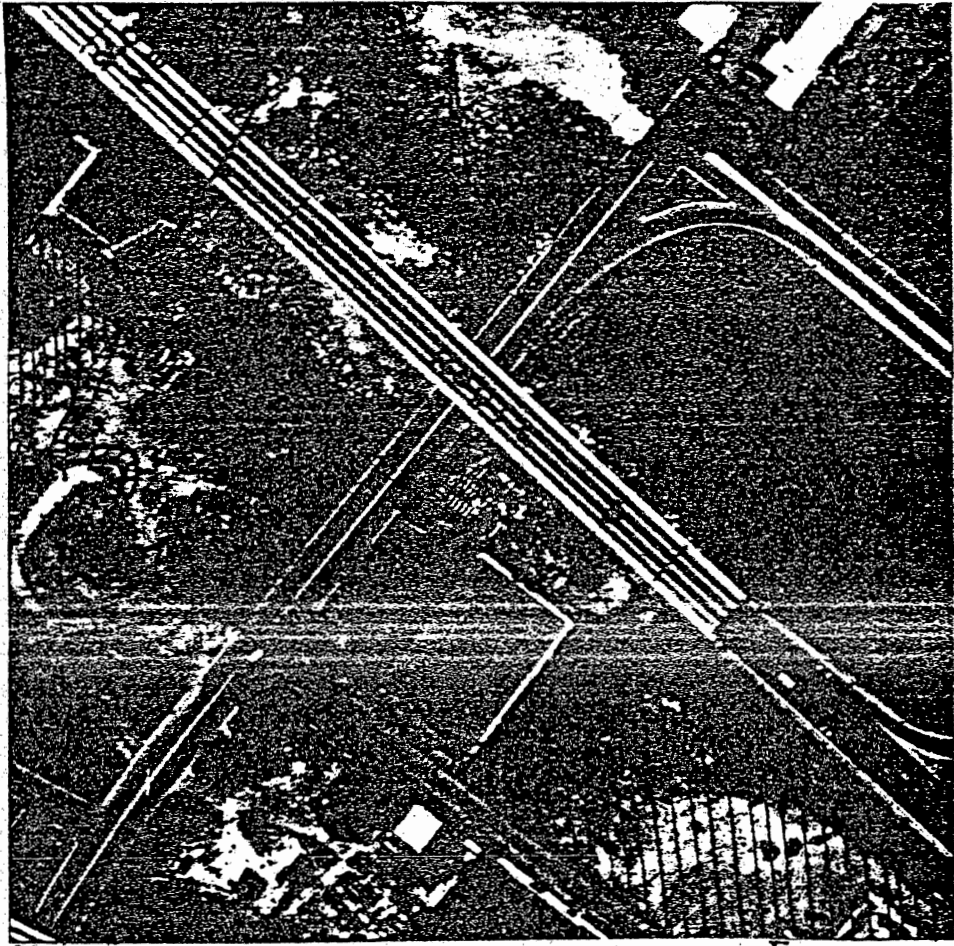
TIDELANDS CONVEYANCE
OVERLAY M&P

SCALE : 1" = 200'




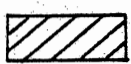
AREAS PREVIOUSLY CONVEYED
BY THE STATE OF N. J.

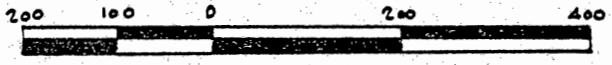




COMPOSITE MAP
SCALE : 1" = 200'

 TIDELAND CLAIM AREAS

 AREAS PREVIOUSLY CONVEYED
BY THE STATE OF N. J. THESE AREAS THEREFORE
ARE NOT CLAIMED BY THE STATE.



QUESTIONS AND ANSWERS

Tidelands ownership and the mapping program is an extremely complex subject and raises many questions. Listed below are some commonly asked questions and what the Department of Environmental Protection feels are clear, simple and accurate answers.

1. Q. What is a claims map?

A. A claims map is a map adopted by the Tidelands Resource Council which portrays the results of a study conducted by the Council to clearly depict lands now or formerly flowed by the mean high tide. The map in itself does not say that the Council now owns all lands depicted thereon as being now or formerly flowed. Valid riparian grants or conveyances are not shown on a claims map and the areas of such grants would not be owned by the State. See samples of claims map, photobase map and riparian conveyance overlays attached.

2. Q. Is the State presently claiming ownership to all of the lands shown on a claim map?

A. No, some of the areas now or formerly flowed by the mean high tide have been the subject of valid grants or conveyances by the State. The State may not be claiming areas covered by valid previously issued riparian grants or conveyances. If a valid grant has been issued title passed subject to the terms of the grant. For some areas of the State, the Department of Environmental Protection has riparian conveyance overlay maps which may be consulted. The DEP Bureau of Tidelands maintains records and maps of tidelands conveyances and may be contacted for assistance.

3. Q. What is the meaning of the Council's action in promulgating these tidelands studies and maps?

A. The studies and maps are legislatively mandated. The Council's action sets forth the delineation of State owned land. These lands are now or formerly flowed by the mean high tide but not all such land is presently owned by the State because it may have been the subject of a previously issued valid riparian grant or conveyance.

4. Q. What happens if I have a riparian grant or conveyance?

A. If the grant or conveyance is valid the State may not be claiming ownership to the land described therein. Anyone requiring confirmation as to the existence of a valid riparian grant or conveyance may contact the DEP Bureau of Tidelands for information.

5. Q. What if I am aggrieved by the Council's maps?

A. You have a right to file with the Council pertinent information, maps, studies or other material documenting and supporting your claim of ownership to refute the Council's claim. You can file this appeal at any time; there is no deadline for appeals. The Council will within 90 days either issue a statement indicating that

the State has no interest or release its claim to your property or shall reaffirm that all or part of the property is or may be State owned.

6. Q. Where does one write or contact for assistance regarding these maps, the tidelands program and riparian grant or conveyance information?

A. The agency responsible for this information and data is the Department of Environmental Protection, Division of Coastal Resources, Bureau of Tidelands. This mailing address is CN 401, Trenton, New Jersey, 08625. Their offices are located in the Labor and Industry Building, Room 711 and may be reached by phone at 609-292-2573.

7. Q. What happens if the State is claiming land as being formerly flowed by the mean high tide on which a home now exists?

A. It may be an area covered by a previously issued valid riparian grant or conveyance and if so the State may not be claiming ownership. If not covered by a previously issued riparian grant or conveyance then the claimant may have a right to make an application to the Council to clear title. There is no need to vacate or leave the home.

8. Q. If I have to make application to the Council for a riparian grant or conveyance to clear title how much will it cost?

A. The Council is required to collect fair market value of the property at the time of conveyance. In determining this value, the Council shall take into account improvements made in good faith or taxes paid or both, on the lands in question.

9. Q. How long does it take to receive a conveyance from the State to clear title?

A. The process is one that does not result in an overnight transaction. Once a complete application is approved by the Council it must be approved and signed by the Chairman of the Council, the Commissioner of Environmental Protection, the Attorney General, the Governor and attested to by the Secretary of State. The entire process can take from 3 to 9 months.

10. Q. What is the State's enforcement strategy?

A. Where property is under State control the State will preserve the status quo. Where a new structure is being built or has recently been built in present tideflowed areas an investigation will be undertaken. There will be no attempts or action taken to remove people from their homes or taking of their properties. Everyone will be given the opportunity to make application to the Tidelands

Resource Council to clear title to the land in question.

11. Q. Where does the money go which the State receives for conveying its ownership in riparian lands?

A. All monies received are dedicated to the Support of Free Public Schools. The fund consists entirely of the proceeds of State riparian land transactions and currently includes assets in excess of \$38 million.

12. Q. How does the State's mapping of the tidelands affect me?

A. It may or may not. The maps may be used to show that many properties are not subject to the State's claim of ownership. Properties may have had questionable titles for years. These may now be finally resolved. If a valid riparian grant or conveyance has been issued for your property the maps may have no affect on you. If you appear to be affected by the maps you have an opportunity to follow the grievance procedure identified above in question #5 or make application to the State through the Tidelands Resource Council for a riparian grant or conveyance to clear title.

13. Q. What happens if I now possess a lease or license for the lands claimed by the mapping?

A. There is no need to do anything if you possess an active lease or license. Once it expires by its own time limitations you will be notified by the Department of Environmental Protection, Bureau of Tidelands that an application for renewal must be filed and the renewal application will be considered by the Tidelands Resource Council.

14. Q. What are riparian lands?

A. These are tidelands, lands now or formerly flowed by the mean high tide. The mean high tide is the average of all of the high tides taken over a period of 19 years.

15. Q. Where can the adopted claims maps be seen?

A. These maps have been filed in the Secretary of State's office, and with the County and municipal clerks. They may also be seen at the office of the Department of Environmental Protection, Bureau of Tidelands in Trenton at the Labor and Industry Building, Room 711 between the hours of 8:30 a.m. to 5:00 p.m. or at the office of the Department of Environmental Protection, Bureau of Coastal Enforcement and Field Services in Toms River at 1433 Hooper Avenue between the hours of 8:30 a.m. to 4:00 p.m.

16. Q. Which claims maps are available to be seen?

A. The claims maps available to be seen are all those maps adopted by the Tidelands Resource Council and approved by the Commissioner of the Department of Environmental Protection.

17. Q. Should I panic if I find that my property is being claimed by the State?

A. No. One should begin, if he wishes to clear title, by following either the grievance or application procedure. The Department of Environmental Protection, Bureau of Tidelands stands ready to assist you in these filings.

18. Q. What do I have to do to find out if my property is being claimed?

A. If you are unable to ascertain this by reviewing the maps yourself or with the assistance of an engineer, surveyor, attorney or title insurance company, you may contact the Department of Environmental Protection, Bureau of Tidelands for further information. Any request for information should be in writing accompanied by a copy of your deed and a plan of survey. A survey tied to the New Jersey Plane Coordinates is preferable but not required.

19. Q. How much land in the State is riparian, being land now or formerly flowed by the mean high tide?

A. Approximately 235,000 Acres (4.5% of the State's total area) are lands now or formerly flowed by the mean high tide. This acreage and percentage includes areas previously granted by the State. Approximately 108,000 Acres of land now or formerly flowed by the mean high tide are included within the maps recently adopted by the Council.

20. Q. What happens if I own property in Warren, Sussex, Morris or Hunterdon counties?

A. Nothing, There are no tidelands in those counties.

21. Q. If the State claims property, must the record property owner still pay local property taxes?

A. No. The State owned tidelands property is tax-exempt. The record property owner has a cloud on his title. If the record owner does not contest the State claim, then he agrees that the State owns the land and need no longer pay local property taxes on land that he does not own.

22. Q. Are the DEP tidelands claims maps the same as the DEP Wetlands maps?

A. No. The Wetlands maps, adopted by DEP in the early 1970's after public hearings, define the boundary of DEP's construction permit jurisdiction under the Wetlands Act of 1970. The tidelands claims maps define the boundary of public ownership of tidelands real estate if not conveyed by a valid grant. If conveyed, title passed subject to the terms of the grant.

TIDELANDS MAPPING PROGRAM

PROGRAM MAGNITUDE

1. Thirty per cent (30%) (2,452 sq. mi.) of the State's total land and water area (8,204 sq. mi.) is subject to investigation for tidelands claims. The area subject to investigation is depicted on 1,632 maps, each of which encompasses an area of 964.2 acres (1.5025 sq. mi.)
 - (a) The coastal tidal area consists of Zone "A" through "M", inclusive (1,000,000 acres; 1,560 sq. mi.; 1,038 maps); and,
 - (b) The Delaware tidal area includes Zones "N" through "R", inclusive (574,000 acres; 892 sq. mi.; 594 maps).
 - (c) All counties are affected, excepting Warren, Sussex, Morris, and Hunterdon.

ESTIMATED MAGNITUDE OF CLAIMS (ACRES)

2. 235,000 acres (4.5% of the State's total area) are subject to tidelands claims.
 - (a) 67.2% of this acreage (158,000) falls within the coastal tidal area (Zones "A"-"M").
 - (b) 32.8% of this acreage (77,000) falls within the Delaware tidal area (Zones "N"-"R").

STATUS

3. The Tidelands Resource Council has promulgated 713 maps on 27 May 1982.

STATUS- 3 NOVEMBER 1982

4. On or about 13 October 1982 the Tidelands Resource Council may consider for promulgation 107 additional maps which:
 - (a) Completes 83.0% of the coastal tidal areas;
 - (b) Completes all work in Zones "A" through "M", excepting Zone "K";
 - (c) Completes the depiction of the State's tidelands claims on 53% of all State land subject to tidelands investigation;

- (d) Completes all barrier beach and outer Atlantic Coast work; and,
- (e) Completes all "former scene" claims in coastal lagoon-type areas as well as claims along and adjacent to all outer coastal tidal river systems.

PRODUCTION - FY83

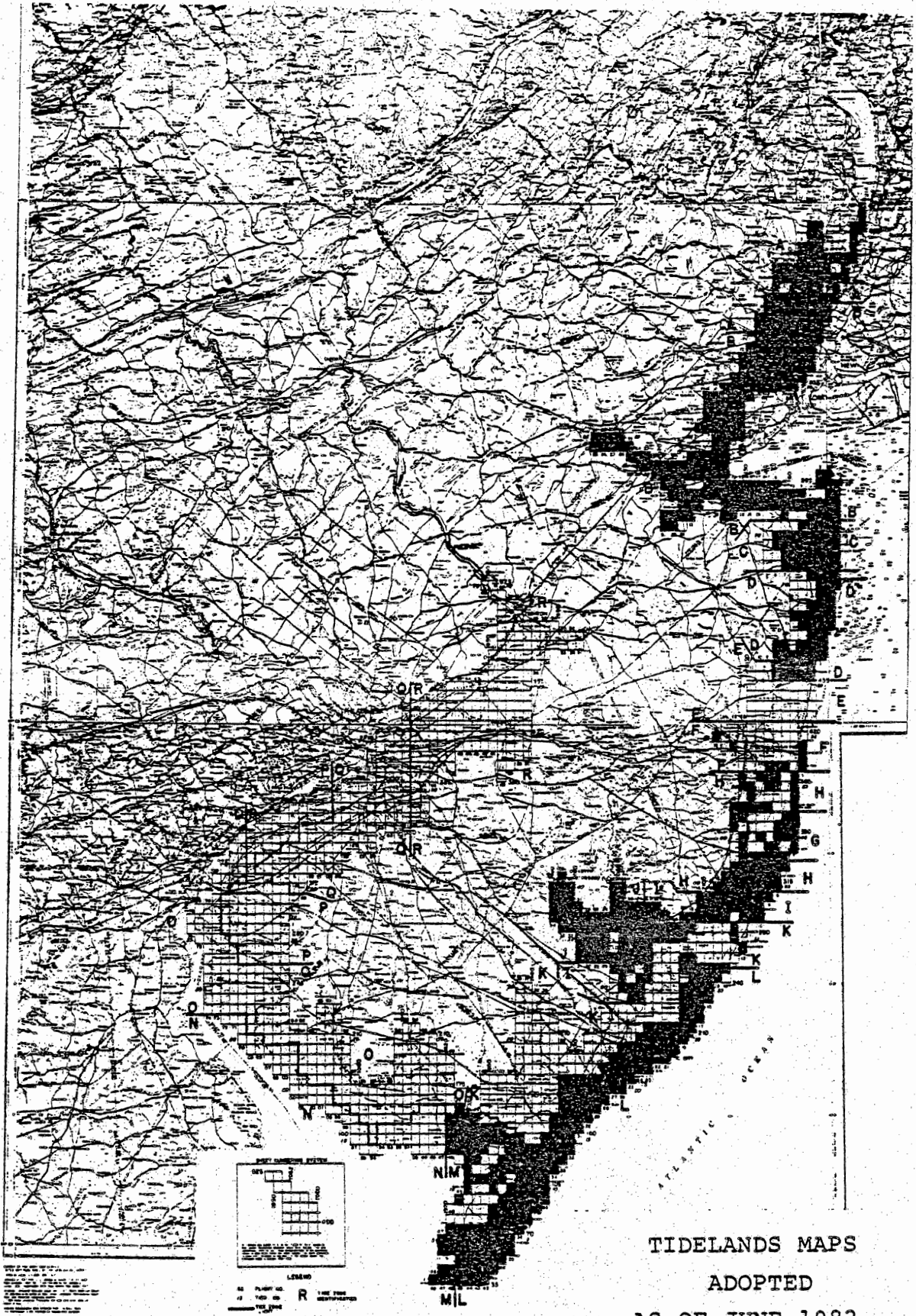
- 5. Between 13 August 1982 and mid-May 1983, all remaining work in the coastal tidal area (Zone "K") will be conducted. The State-wide delineation effort will be 63.7% in process on 30 May 1983; and,
- 6. In mid-May 1982, the claims cataloging process will begin at Trenton and progress downstream along the Delaware River.

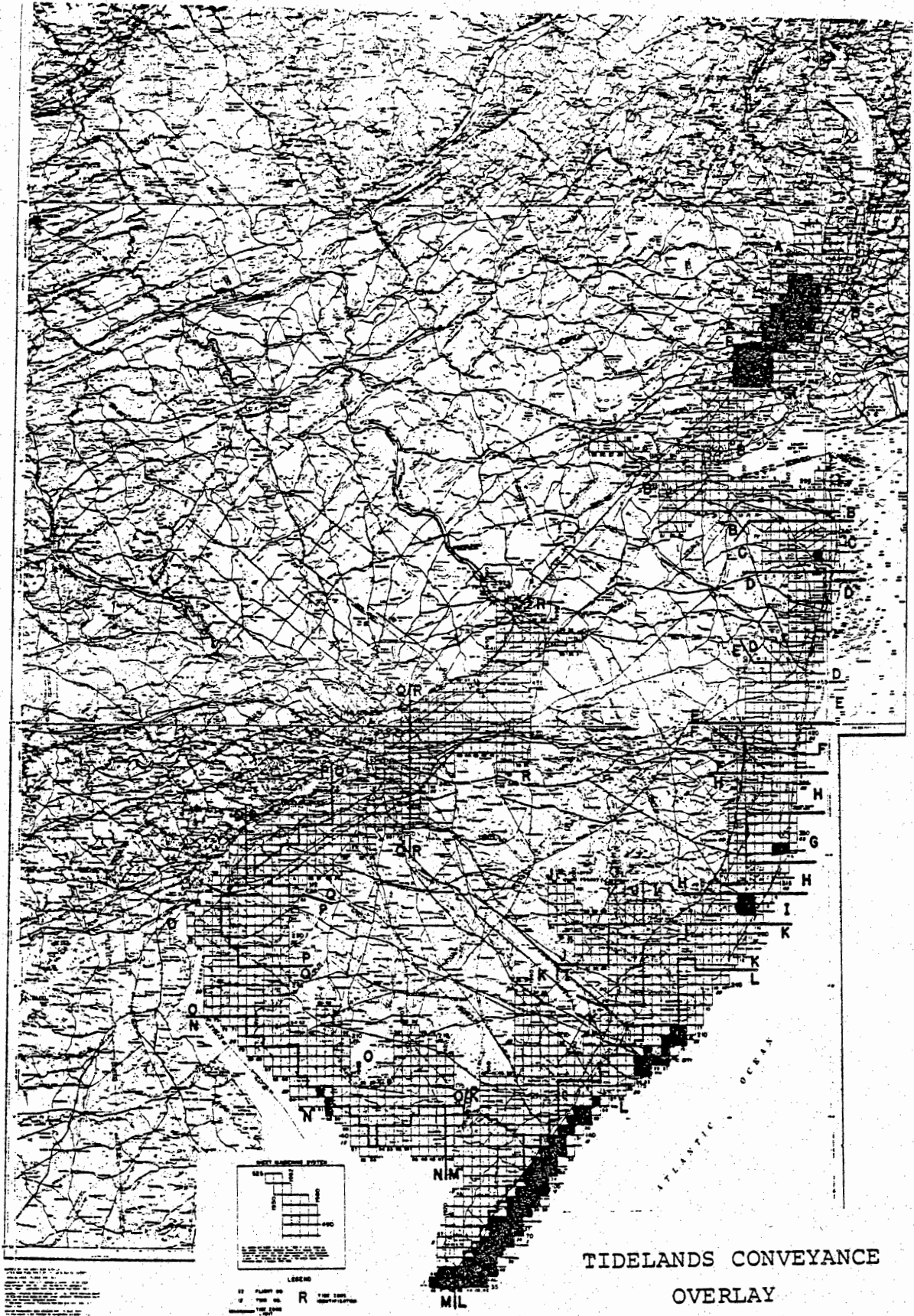
PROJECTION - FY84 AND BEYOND

- 7. All in-house work conducted between 1 July 1983 and 31 December 1985 will be centered in Mercer, Burlington (western), Camden, Gloucester, Salem, and Cumberland Counties (tidal Delaware area); and,
- 8. All maps (594) depicting the State's tidelands claims in these counties (Zones "N" through "R") are scheduled for TRC delivery on or before 31 March 1986.

COSTS

- 9. The total of all costs associated with the OEA aspect of the delineation process equates to charges of \$8.25 per acre of land subject to investigation for tidelands claims.





TIDELANDS CONVEYANCE
 OVERLAY
 STATUS - JUNE 1982

