



Tidelands Issues & Questions after Superstorm Sandy.

1. If my dock and/or other water structures were destroyed during the storm event and I intend to rebuild them, what steps do I need to take?

No action is required for legally existing structures that are rebuilt in-place. If you wish to add structures or rebuild in a new location or configuration, you will need to submit a Tidelands license modification application. This application must include a current property survey and proof of an approved DEP Land Use permit.

2. If I obtain an approval (permit, emergency permit, etc.) from Land Use Regulation to replace my damaged bulkhead with a waterward bump out resulting in additional fill, what are the Tidelands requirements?

A Tidelands license is required for a bulkhead extension. The fees associated with licensing bulkhead extensions are based on upland values and are, therefore, usually higher than the fees for docks and other water structures. These costs can be SIGNIFICANT and may offset any construction cost savings you may have gained as a result of selecting to extend the bulkhead. You do have the option to purchase a bulkhead extension by way of a Tidelands grant. The cost of a grant also depends on the market value of the property. Once a grant is obtained, the bulkhead extension would no longer require a Tidelands license. However, if you replace the bulkhead in the legally existing location, no license or grant would be required.

3. If I do not intend to rebuild my dock and/or other water structures, what steps do I need to take?

Assuming there is no licensable bulkhead on the property and the entire structure (this includes pilings) has been removed, the Tidelands license and its associated fees will be terminated upon request. To cancel the license, please submit current photos documenting the absence of the dock and/or other water structures along with a written cancellation request to NJDEP Bureau of Tidelands Management, P.O. Box 420 Mail Code 501-02B, Trenton, NJ 08625-0420.

4. If I currently have a license for a bulkhead extension and/or fill area and it no longer exists due to the storm events, what steps do I need to take if I plan to restore my property to its condition prior to the storm event?

As long as the reconstructed bulkhead and/or fill area was legally existing prior to the storm events and is replaced in the same location it occupied before the storm event, no action is required. If the reconstructed bulkhead and/or fill area is placed in a different location, please contact the Technical Support Center at (609) 777-0454 to obtain information regarding permitting and tidelands requirements.

5. If the size of my property has increased due to the storm event (due to sand deposition in front of your property), is this additional land area still claimed by the State of New Jersey?

Yes. The state still lays claim to these lands as they existed prior to the storm event. An act of avulsion, which is defined as the loss or gain of lands bordering on the seashore by a sudden or violent action of the elements, does not in any way alter any rights of ownership.

6. If the size of my property has decreased due to the storm event (due to wash out), does the State now take ownership of the now tidally flowed area?

No. Since this water was created as a result of avulsion, the State does not claim ownership. The property owner maintains all rights of ownership that existed prior to the storm events and has the right to restore the land to its pre-storm condition.

7. Will I be able to have my license expedited to allow for construction/reconstruction?

Yes, the processing of all license and lease applications can be expedited as necessary. If you would like the Bureau to expedite your application, please call (609) 292-2573 or submit a request in writing to NJDEP Bureau of Tidelands Management, P.O. Box 420 Mail Code 501-02B, Trenton, NJ 08625-0420.

8. How can I obtain copies of pertinent license information which may assist me in rebuilding, such as property surveys and license maps?

In accordance with the Open Public Records Act, NJDEP makes its public records available through formal requests to the Department's Office of Record Access. Requests may be submitted in writing to NJDEP Office of Record Access, 401 East State Street, P.O. Box 420 Mail Code 401-06Q, Trenton, NJ 08625-0420 or online at www.state.nj.us/dep/opra/opraform.html.

9. Are license holders that have been affected by the storm events still required to pay their annual Tidelands license fee?

Yes, the yearly Tidelands license fees are still due. The Bureau of Tidelands Management acknowledges that many properties have been affected by the storm; however the state is obligated under N.J.S.A. 13 to collect rent on