

Department of Natural Resources

Applicant Guidelines for Submerged Crown Lands (Saltwater)

A. Purpose:

Submerged Crown lands are lands below the ordinary high-water mark of a body of water and under the administration and control of the Minister of Natural Resources. The Department of Natural Resources (the Department) manages these lands in coastal areas under the Submerged Crown Lands Policy for saltwater bodies. This document explains when and how to apply to use submerged Crown lands. The purpose is to provide a clear explanation of what activities can be undertaken on submerged Crown lands in coastal areas.

Note: Not all applications received by the Department fall under its jurisdiction. If the location identified on the application form is not administered by the Department, the applicant will be informed their application cannot be processed by the Department. Applicants may need to determine who has jurisdiction over the lands they wish to apply for. An application to use Crown lands below the ordinary high-water mark may also require authority from other Departments or Jurisdictions.

B. Definitions:

These definitions will provide an explanation of terms that may not be familiar to everyone wishing to apply to use submerged Crown lands. All terms in this section are found throughout this document.

- a. **Adjoining Upland Property:** A parcel of land, regardless of ownership, which lies above the ordinary high-water mark of a body of water and is contiguous (i.e. in contact with the boundary) to an associated area of submerged Crown lands.
- b. **Boat Ramp:** a permanent or semi-permanent structure or device which rests fully or partially on submerged Crown lands and is used for the primary purpose of launching or bringing ashore any type of vessel. This includes a slipway or other similar structures.
- c. **Floating Dock:** a floating platform, including any attached gangway, mooring, post, other means of securement, or an extension of a wharf (attached permanently or temporarily).
- d. **Material Deposit:** the discharging, spraying, releasing, spilling, leaking, seeping, pouring, emitting, emptying, throwing, dumping, or placing of any material.
- e. **Mooring:** a permanent or semi-permanent apparatus or device (consisting of a mooring ball, anchor component and waterproof connecting line) which rests on submerged land for the purpose of securing a vessel, wharf, floating dock, or raft.

- f. **Mooring Grid:** an area of submerged land for which more than three moorings have been laid out and allocated in accordance with a plan accepted by the Department.
- g. **Shoreline Stabilization:** stabilization required for the protection or restoration of the shore because of destabilization from coastal erosion, flooding, or storm surge.
- h. **Submerged Crown lands:** Refers to land which is below the ordinary high-water mark of a body of water and under the administration and control of the Minister of Natural Resources. For the purposes of this policy, submerged Crown lands does not include the beds and shores of bodies of fresh water.
- i. **Structures:** includes, but not limited to, building, camp, geodome, yurt, trailer, houseboat, raft, wharf, fence, or wall.
- j. **Wharf:** a permanent or semi-permanent structure which rests wholly or partially on submerged Crown land and consists of a platform supported by poles, piles, cribwork, or other material and primarily used for securing watercraft.

C. Application

The document applies to all applications to undertake activities on or over submerged Crown lands under saltwater bodies.

This includes submerged Crown lands and Crown lands between the ordinary low-water mark and the ordinary high- water mark.

Any beaches designated under the *Beaches Act* are not included in this policy but follow the requirements under the *Beaches Act*. Here is a list of all beaches designated under the [Beaches Act](#). Any beaches not designated under the *Beaches Act* fall under this document.

This document does not include submerged lands within the boundaries of Federal Harbours or water lots not within the administration and control of the Department.

D. Process

All requests to authorize activities must be made in writing by submitting a completed application form ([Use of Crown Lands application](#)) to the Department. **General e-mails, letters and phone calls will not be considered an application and will not initiate any type of review or approval process.**

1. Authorization:

All uses of the Crown lands, activities or placement of infrastructure or structures on submerged Crown lands require written authorization from DNR and the Department will make final determination on which is the most appropriate method for authorizing the activity. This includes permission to hand gather seaweed or other plant material for personal use.

2. Submerged Crown land use applications:

All requests to use Crown lands require the applicant to submit an application to use Crown lands to the Department. The application form can be found at [Department of Natural Resources](#) website.

- a. Permits for activities defined in section F(a)(i) below can be issued from the local Department offices on receipt of the completed application form and submission of all other required information.
- b. Applications for all other requests/activities or a combination of the activities described in section F require the application form to be submitted to the Land Services Branch of the Department.
- c. Applications to use Crown lands can be submitted as an attachment via e-mail, using the email address provided in the application form, or can be sent by regular mail or hand delivered to a [Department regional office](#).

3. Prohibitions and Exemptions

Infill - New infill on submerged coastal Crown lands is prohibited

Any material deposited on the submerged Crown lands that alters the existing ordinary high-water mark is considered infill that is ungranted land under the administration and control of the Department. These lands can only be sold by the Crown to the adjoining landowner.

Exemptions to the prohibition are:

- a. For repair/support of an existing wharf crib or boat ramp/slipway, provided the amount of infill to be used is the minimum amount needed for repair and does not increase the total footprint of the area of Crown Lands occupied by the existing wharf crib or boat ramp/slipway.
- b. For repairs to existing armorstone/ shoreline protection measures, provided the amount of infill to be used is the minimum amount needed for repair and does not increase the total footprint of the area of Crown Lands occupied by the existing armorstone/ shoreline protection measures.
- c. Placement of infill for an emergency purpose that has been permitted by the Department.

Dredging – New dredging of submerged Crown lands is prohibited.

Exemptions to the prohibition are:

- a. Requests from private property owners for dredging of channels or areas previously dredged with the approval of the Department, only if all of the following conditions are met:
 - i. Previous approval was not revoked,

- ii. Activities under the previous approval were in compliance with the terms of the approval given,
- iii. The proposed area to be dredged is the minimal amount of space needed to allow for navigation or preservation of water movement, and
- iv. There are no adverse effects to wildlife or endangered species identified by integrated resource management, or other natural or biodiversity values under the mandate of the Department, which cannot be avoided or mitigated.

Permanent structures cannot be built on new or existing wharves connected to private land

The Department will not authorize the installation or building of a new permanent residential structure for the purposes of living, full-time or part-time or for rental as an accommodation, short or long-term.

Mooring Rental

Renting moorings, even those owned by and placed in front of private property, is prohibited, unless it is part of a Department approved mooring field. No exceptions.

4. Approvals of Other Departments or Governments:

- 1. It is the applicant's responsibility to secure any and all necessary approvals.
- 2. Proceeding with any work prior to receiving all applicable approvals may result in the termination of DNR's approval. Subsequent requirements to remove any structure or any other requirements resulting from the termination of Department approval will be determined in consultation with DNR's enforcement officers, as applicable.

5. Application Process Requirements for Approvals

General Application Requirements:

- a. Applicant must complete all applicable fields in the application form and also provide:
 - i. the nearest upland property adjacent to the proposed location (PID or civic address) for the request's authorization/activity;
 - ii. a sketch showing the dimensions of any proposed structures and a description of the proposed use;
 - iii. construction methodology, approach to construction site, type of machinery to be used, a project timeline for work/construction, and appropriate mitigation measures associated with the request;

- iv. if available at the time of application, the survey or building location certificate showing the waterfront boundary line of the property where any structures will make landfall;
- v. notification of adjacent upland owners in the form provided on the attached Appendix B or other form of notification (i.e., email, registered letter, etc.);
- vi. a list and status of outstanding authorizations, if known at the time of application, from other government departments;
- vii. an application for a marina or mooring grid must include a proposed layout for moorings and how the proposal will address boating density issues in its grid and allowances for vessels during emergencies and existing navigational channels as well as a plan for conducting public consultation with the community of the proposed marina.

b. An application will be considered complete when all the above information has been provided to the Department.

e. Proof of security/insurance in an amount and form to be determined, may be required prior to the issuance of an authorization pursuant to this policy.

Applications to use Crown lands received may require, in addition to the information identified above, the following information:

Notification:

- a. At minimum, all applicants requesting placement of new permanent structures/infrastructure on submerged Crown lands below the ordinary high -water mark must notify the two directly adjoining waterfront properties that are nearest to the proposed activity/structure, with whom the applicant shares a common boundary line, unless:
 - i. the applicant has a survey or building location certificate showing the boundaries of their property providing sufficient information to confirm the landfall location of the proposed activity/structure is placed approximately midway between the two adjoining property lines and is not within 3.05 metres (10 feet) of either adjoining property line, or
 - ii. it is for repairs to an existing structure and the repairs will not change or increase the size of the existing footprint, or

- iii. the request is for short-term use of the submerged Crown lands that does not require placement of permanent structures, including but not limited to seasonal installation of floating docks, or
 - iv. it is for a mooring placed more than 60 metres (196 feet) beyond the ordinary high-water mark, unless it is within a cove or inlet.
- b. By submitting an application, the applicant is affirming that notification has been provided to adjacent upland owners.
- c. No upland owner notification is required for activities that are taking place 60 metres (196 feet) or more beyond the ordinary high-water mark, unless the activity is taking place in a cove or inlet. In these cases, the applicant may be required to notify additional landowners.
- d. Notification is not required for purchases of infill that are entirely located in front of the applicant's private property.

Survey:

All requests to use submerged Crown lands will be reviewed by the Lands Service Branch of the Department to determine the requirement of a survey of the Crown lands, the Department will contact the applicant and provide an order of survey if one is required. The cost of the survey shall be at the applicant's expense.

Appraisal:

All commercial leases and sales of infill requests require the applicant to obtain an appraisal of the Crown lands at their expense.

Consultation:

- a. Public Consultation: The Department has the discretion to require public consultation be conducted for any applications made under this policy.
- b. Mi'kmaq Consultation: The Department will continue to follow established protocols for consulting the Mi'kmaq on Crown land authorizations.

6. Guidelines

- a. There are several different types of authorizations that DNR may issue to authorize activities on Crown lands under the policy. The type of authorization will be determined by the Department.
- b. The process for reviewing and approving/rejecting an application may vary depending on the activity applied for and the type of authorization being considered.
- c. The timeline for completing the application review process will also vary depending on the type of authorization being issued.

- d. Acceptable methods and materials for construction are included in these guidelines as appendix A.

For additional information please contact any of the [Department's local offices](#) or the Land Administration Division (902-424-3173) of the Department.