

## Who owns the coast or beach?

Normally, the "dry" part of the beach or "backshore" is owned by the upland property owner while the "wet" part of the beach or "foreshore" that is exposed when the tide goes out (inter-tidal area) is owned by the Province and administered by the Department of Energy and Resource Development (ERD). The ordinary high water mark (OHWM) is normally the boundary between a waterfront property owner's land and Provincial Crown land. The OHWM is defined as the mean or average of the normal high tides at a given location. It can be formally delineated by a Licensed Surveyor.

## Who owns the water and submerged lands?

The Province owns approximately 2.1 million hectares of submerged Crown lands and the adjacent water columns, including inland waters and parts of the Bay of Fundy, Northumberland Strait, Gulf of St. Lawrence and Bay of Chaleur. These lands and waters are administered by the Department of Energy and Resource Development on behalf of the Province. Other provincial and federal agencies also have jurisdictional responsibilities.

## Do I need a permit to build or undertake works along the coast or beach and how do I apply for one?

Yes. Depending on the type and location of the work you are proposing, provincial and/or federal approvals will be required. Any works located along the beach, on Crown lands below the OHWM, require prior review and approval from the Department of Energy and Resource Development. Such applications should be directed to the Department of Energy and Resource Development or the local Regional Service Commission. Applications for works landward of the OHWM should be directed to the local Regional Service Commission, municipality, or the Department of Environment & Local Government.

## What structures or works are permitted below the OHWM?

Many structures or works are permitted below the OHWM, but are subject to different provincial and federal policies, legislation and/or permitting processes. Some require formal reviews and approvals and may be subject to specific development standards imposed by the Department of Energy and Resource Development and under the Provincial Coastal Areas Protection Policy. Examples would include permanent structures or works such as wharves, erosion control structures, breakwaters, and boat ramps. Some works, such as

groins, infilling and other permanent structures that may negatively impact the coastal environment are typically not approved on Crown lands, except under special circumstances.

## How does the new Provincial Coastal Areas Protection Policy affect me?

The Provincial Coastal Areas Protection Policy establishes new standards and a set-back requirement for any new development proposals located along the coast, including the upland and beach areas. The Policy's objective is to protect coastal features such as beaches, dunes, saltmarshes, rock platforms, and dyked lands. All new coastal developments, such as cottages, houses, erosion control structures, wharves, breakwaters, and boat ramps, must comply with the Policy. Existing lawful works are "grandfathered" in.

## Can I protect my coastal property from erosion?

Yes. Property owners can undertake erosion control structures or works to protect their properties from erosion. However, the structures or works must be located on their own private lands, above the OHWM, and all relevant municipal, provincial and federal permits must be obtained. New development standards established under the Provincial Coastal Areas Protection Policy must also be complied with. Erosion control structures or works may be permitted on Crown lands, below the OHWM, under special circumstances. Proposals to construct erosion control works should be forwarded to the local Regional Service Commission or the Department of Environment & Local Government. Any proposals involving Crown lands, below the OHWM, should be directed to the Crown Lands Application Service Centre or the local Regional Service Commission.

## Can I drive on the beach?

No. Motorised vehicles are not permitted on the beach under the Provincial *Trespass Act* ([www.gnb.ca/acts](http://www.gnb.ca/acts)).

## Who do I contact about garbage on the beach?

The Department of Energy and Resource Development may be contacted regarding any garbage or other debris located on the beach, below the OHWM. Anything located above the OHWM is the upland owner's responsibility.

## **Where can I moor my boat?**

Single, private moorings for non-commercial use, are presently allowed on submerged Crown lands without a permit from the Department of Energy and Resource Development.

## **How do I apply to use the beach?**

An Application Package can be obtained by:

Toll free number: 1-888-312-5600

E-mail: [CL\\_TCWeb@gnb.ca](mailto:CL_TCWeb@gnb.ca)

Website: [www.gnb.ca/naturalresources](http://www.gnb.ca/naturalresources)