



FACTSHEET

New Jersey's Tidelands & the Northeast Supply Enhancement (NESE) Project

What are the Tidelands? Also known as riparian lands, tidelands are all lands that are now or were formerly covered by the mean high tide of a natural waterbody (such as the ocean, bays, and tidal sections of rivers and creeks, and marshlands inundated by the tide). The State of New Jersey owns these tidelands which are held in trust for the people of the state.

Why are Tidelands Important? Tidelands are important because they provide habitats for many animals like fish, crabs, and birds, especially as safe places for young marine life to grow. They also protect coastlines by reducing the impact of waves, storms, and flooding. Tidelands help improve water quality by filtering pollutants and sediments, and they support fisheries by providing breeding and feeding areas for many seafood species. In addition, they store carbon, which helps fight climate change, and they offer places for recreation, research, and commercial activity.

What Laws Govern the Tidelands? The tidelands in NJ are governed under (NJSA 12:3 1 to 28) which sets out the rules governing riparian areas and the Tidelands Resource Council (13:1B-10). This statute sets the rules for selling or leasing tidelands for a variety of purposes including utility related activities. Utility licenses are required for such structures as pipes, cable lines, and storm water outfalls that cross over or under state-owned tidelands.

What is the Tidelands Resource Council? The Tidelands Resource Council (TRC) is a body of twelve members appointed by the Governor with advice and consent of the Legislature. The Council meets monthly and makes decisions to sell or lease state tidelands. All decisions by the TRC must be approved by the Commissioner of the NJ Department of Environmental Protection, the Attorney General and the Governor.

How Does the TRC Decide to Grant a Utility License?

First, the TRC is not under any obligation to grant a license to any party and licenses are not valid until delivered and may be revoked by the state at any time. [NJDEP; Instructions for Riparian Grant Applications]

When deciding on a lease sale, the TRC must determine **1) if the lease or sale of NJ tidelands is in the public interest, 2) if there are future uses for this land, 3) and what fee is associated with the.** [N.J. Stat. § 12:3-12.1]

Why does NESE need a Tidelands Utility license? The 23.4-mile offshore NESE fossil fuel pipeline will utilize the Raritan Bay and Cheesapeake Creek Tributary NJ tidelands. *According to documents obtained from the NJ Tidelands office, an **estimated 93,843 square feet** of NJ tidelands will be impacted by NESE. This is the area that is sacrificed around **the 9.54 miles of pipeline that will rip through NJ tidelands.***

Below is a summary of the square footage breakdown by component.

Project Component	Square Feet
Raritan Bay Loop	80,626
Concrete Mattresses	11,634*
Cathodic Protection Cable	1,314
Cathodic Protection Anode Sled	225
Madison Loop	44
Total	93,843
* Note: there is some overlap with the pipeline and the mattresses for the 642 feet length of mattresses (see above cross section), so there may need to be an adjustment. This would be 642ft x 2.5 feet = 1,605 sq. ft.)	

Table 1
Summary of NJ Pipeline
Facilities

Facility	Size	Onshore/ Offshore	State	County	Length (miles)
Madison Loop	26-inch-diameter pipeline	Onshore	New Jersey	Middlesex County	3.43
Raritan Bay Loop	26-inch-diameter pipeline	Onshore	New Jersey	Middlesex County	0.16
Raritan Bay Loop	26-inch-diameter pipeline	Offshore	New Jersey	Middlesex County	1.86
Raritan Bay Loop	26-inch-diameter pipeline	Offshore	New Jersey	Monmouth County	4.09

Table 2 (below) summarizes the Project components subject to the NJ Coastal Zone Management Rules at N.J.A.C. 7:7. Locations are also depicted on the Permit Plans, included as part of this application.

How will NESE harm NJ Tidelands? Construction of the NESE pipeline in Raritan Bay could harm water quality, marine ecosystems, and the local shoreline economy. Digging a long trench for the pipeline would disturb over a million cubic yards of contaminated sediment, potentially releasing heavy metals and toxic chemicals like PCBs into the water, which could harm fish, shellfish, and human health. Increased sediment and pollution could also trigger harmful algal blooms and reduce water clarity, making it harder for marine animals to feed and navigate. The construction noise, vessel traffic, and year-round activity could disrupt endangered whales, sea turtles, migratory fish, and bottom-dwelling species such as clams, oysters, and horseshoe crabs, while also threatening the endangered Atlantic sturgeon. These environmental impacts could damage fishing grounds, recreational boating, and tourism, putting the livelihoods of many coastal communities at risk.

Please See Our NESE and Tidelands Talking points for more information on the harm NESE will cause to New Jersey's tidelands, marine life, and the ocean.