

USING NEW BRUNSWICK CROWN LANDS

What is Crown Land? Crown Land includes all or any part of land (including land covered by water) that is not privately owned in the Province of New Brunswick. These lands are managed by various provincial Departments. For the purpose of the application, Crown Land refers to land administered and controlled by the Department of Natural Resources (DNR).

Crown Lands are managed in the best interest of the people of New Brunswick. The use of Crown Land is a privilege for all residents of New Brunswick and is made available for people to use and enjoy.

Occasional use of Crown Land generally does not require formal authorization from DNR. Some examples of occasional use are: hiking, biking, picnicking, and canoeing.

Extended use of Crown Land or activities that involve development on Crown Land requires a formal agreement. This authorization may be given after a review of the application, by issuing a formal document known as a Lease, Easement, or License. Some examples of these activities include

- Campsite
- Right of way
- Commercial/ Industrial activities

Information you should know if you require authorization:

Any use of Crown Land may require some or all of the following (see part III):

- Application and issuance fees
- Approval from other government agencies
- Legal assistance
- Survey plan
- Deed
- Approval from the Minister of Natural Resources
- Liability insurance
- Business plan
- Environmental insurance
- Environmental Impact Assessment determination letter
- Other documentation based on the specific type of land use application

The Process:

Once you submit a completed application form and meet basic eligibility requirements, you will receive a letter of acknowledgement advising you of the application review process. Your application will be reviewed by the Department of Natural Resources as well as other governmental agencies. The time for the review process will vary depending on the type of request. If accepted, you will be notified. The review process is expected to take between 6 and 21 weeks.

Information:

More information on Crown Lands, and the completing of this application package can be obtained at www.gnb.ca/0263/ or at the toll free number 1-888-312-5600.

EASEMENT APPLICATION PACKAGE

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This application package is used for Easements.

Please read the entire application package before filling out the application form.

The application will be returned to you if the form and required attachments are not complete.

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GENERAL INFORMATION

Easement

An **Easement** is a right enjoyed by one landowner over the land of another for a special purpose other than general use and occupation for an unlimited period of time. It does not give exclusive use, meaning that multiple easements could be given for the same land as long as each use does not interfere with another use. Easements are issued mostly for rights-of way, utilities (eg. powerlines) and municipal services (e.g. discharge or intake pipe).

Fees*:

- Application Fee: \$57.00 (\$50.00 plus HST) non-refundable, to be paid when you apply.
- Other fees and requirements: See Part III - *Should Your Application Be Accepted*.

*All fees are subject to change.

What do you need to know before you apply ?

Have you located a site?

In order to apply for an easement, you must have located a specific property within the Province of New Brunswick. An application that does not specify a property will not be considered.

Is the property Crown Land?

You must be certain that the property you are requesting is Crown Land and not private property. To confirm the ownership of the property you must contact your local Service New Brunswick (SNB) Registry and Mapping office. To locate your local SNB Registry and Mapping office please call the toll free number: 1-888-762-8600 or visit the SNB web site: www.snb.ca

BASIC ELIGIBILITY

- Applicants must be at least 19 years of age.
- Businesses must be registered with Corporate Affairs in New Brunswick and provide a copy of their certificate of incorporation.
- Applicant(s) must be the registered owner of the land benefiting from a right-of-way easement.

Applications that do not meet the basic eligibility requirements will be rejected.

SHOULD YOUR APPLICATION BE ACCEPTED

Once your application is reviewed and accepted, a letter from the Department of Natural Resources will inform you of other requirements.

Requirements that WILL be requested upon acceptance of application

1. Survey plan: The survey must be completed by a New Brunswick Land Surveyor; and be submitted, reviewed and filed by the Department of Natural Resources.
2. Title document: The title documents to the land(s) which will be served by the Easement must be provided.

Requirements that MAY be requested upon the review of the application

3. Liability insurance: Liability insurance in the amount of \$2,000,000 minimum, listing "Her Majesty the Queen in Right of the Province of New Brunswick as represented by the Minister of Natural Resources" as additional-insured. Proof of insurance must be provided every year.
4. Public Notification: The applicant may be required to advertise the proposal in the local newspapers or satisfy other public consultation requirements.
5. Environmental Impact Assessment (EIA): A copy of an Environmental Impact Assessment determination letter from the Department of Environment and Local Government may be required before the easement is finalized.
6. Site Inspection: A site inspection by the District Forest Ranger may be required if the easement is on park land (eg. Sentier NB Trail).
7. Permits and Authorizations: Compliance with all laws whether municipal, provincial or federal, and obtaining all required permits and authorizations such as: a building permit, quarry permit, watercourse alteration permit, and petroleum storage license are mandatory.

Requirements that WILL be requested upon issuance of the easement:

8. Issuance Fee: **\$600.00 per hectare with a minimum charge of \$100.00 plus HST (non-refundable)**. Fee charged for all approved applications when the easement is issued. Make cheque payable to the New Brunswick Minister of Finance. Due when the easement document is executed and signed.
9. Harvesting Permit: A harvesting permit must be obtained from the local DNR office before any trees are cut from a site.

Other terms and conditions may apply.

All costs associated with "requirements" are the responsibility of the applicant.

HOW TO APPLY

Part IV is designed to help you complete the Easement application form (Part V). The order of information contained in Part IV corresponds with the order of requested information on the Application Form.

Section A - Applicant

The name on the application form is the name that will be used on the legal agreement. The only fields that are optional are the e-mail and cellular phone.

Language: verbal and written correspondence will be available in your official language of choice.

Applicant Status: if you represent an incorporated body, please provide a copy of the Certificate of Incorporation for your organization, as well as names and titles of signing officers.

Section B - Intended use of the land

B1 - Describe in detail the current use of the land. If needed, include an attachment with more details. Ensure that this attachment is identified as question **B1**.

B2 - Explain what type of activity will be occurring on the land such as a right-of-way, powerlines, discharge or intake pipes etc. If needed, include an attachment with more details. Ensure that this attachment is identified as question **B2**.

B3 - Explain if the activities will adversely affect the neighbours, the environment or the local area. Examples are noise, traffic, air quality or foul odour. If needed, include an attachment with more details. Ensure that this attachment is identified as question **B3**.

B4 - Indicate if the land applied for adjoins land which you own.

B5 - Indicate if the land applied for crosses any trails (e.g. Sentier NB Trail) or former railway beds.

Section C - Location

C1 - Provide an estimate of the size of the proposed area (in hectares).

C2 - A **PID** number is a **Parcel IDentifier** number that identifies all properties in New Brunswick. You must provide the **PID** number of the property on your application form. You can obtain this number at your local Service New Brunswick (SNB) Registry and Mapping office. If for any reason this property has not been assigned a **PID** number, please indicate the **PID** number of an adjacent property.

C3 - Identify County and Parish for this property.

Section D - Site Description

- D1** - Identify the adjacent properties, what they are used for and who are the owners.
- D2** - Describe the watercourse near the land and give its name. Give its distance from the site. What kind of watercourse: stream, wetland, river, ocean, or lake. You may be required to obtain a Watercourse Alteration Permit from the Department of Environment and Local Government. This information will be given to you once the review process is completed.
- D3** - Is there a road accessing the land? Give its name and specify: highway, secondary road, private road, forest road, or other.
- D4** - If the road is accessing the land, describe its condition (ie: good, fair, poor)
- D5** - Can you access this land year-round?
- D6** - Is there evidence of present occupation on the land? This could be any structure or activity that may indicate that the site is presently used or occupied.
- D7** - What type of vegetation covers the land?
Forest: tree cover
Clear cut: all trees are cut
Partial cut: some trees are cut
Field: open area
- D8** - Is there any evidence of boundary lines on the land?
Evidence: May be a fence, tree line, rock wall or blazed line.
No Evidence: There is no evidence of the property boundaries.
All visible: All sides of the property are identifiable.

Section E - Payment and Signatures

- Indicate the method of payment used for application fee.
- You **MUST** sign and date the application form.

Section F - Attachments

The following attachments **MUST** be included with the application. If any of the attachments are missing, the application may be returned.

- F1** - The application fee payment of \$57.00. (See section E of the application form for the different methods of payment.)
- F2** - A general map that will locate the site within the province. For example, a road map, or a Provincial Atlas map. See **Appendix A**.

F3 - A detailed SNB Browser site map large enough to locate the site. This map is available at your local Service New Brunswick(SNB) Registry and Mapping Office. See **Appendix A** for an example.

On this map please:

- clearly outline the requested site (highlight the boundaries).
- have at least one legible PID number.

F4 - A general sketch of the proposed developments. The sketch does not need to be done to scale.

F5 - A copy of the organization's Certificate of Incorporation issued by Corporate Affairs if applicable.

F6 - Copy of the title documents for the land(s) that will be served by the easement.

All costs associated with the application are the responsibility of the applicant.

For clarification on any parts of the Application Package please call 1-888-312-5600.

If you intend to apply to use Crown Lands located along the shore of inland or coastal waters, you must include with the Application Form the Coastal Land Use Application Form.

See **Appendix B** for a check list to ensure the completeness of the application form.

PART V
Easement

Application Form - Easement

Department of Natural Resources
Crown Lands Branch
P.O. Box 6000
Fredericton NB E3B 5H1
Tel: 1-888-312-5600 Fax: (506) 457-4802



Please refer to PART IV "How to Apply"

A - APPLICANT					
<input type="checkbox"/> Mr.	<input type="checkbox"/> Mrs.	<input type="checkbox"/> Ms.			
Name or Company Name			E-mail (optional)		
Mailing address (Street - apartment)				City / Town	
				County	
Postal Code		Occupation		Language <input type="checkbox"/> English <input type="checkbox"/> French	
Telephone (home)		Telephone (work)		Cellular phone (optional)	
Applicant Status <input type="checkbox"/> Group <input type="checkbox"/> Individual <input type="checkbox"/> Business <input type="checkbox"/> Other, specify					
Contact person					

B - INTENDED USE OF THE LAND	
B1	What is the current use of the land?
B2	What activities will occur on the land?
B3	Will the activities adversely affect the neighbours, the environment or local area?
B4	Does the land applied for adjoin lands which you presently own? <input type="checkbox"/> Yes <input type="checkbox"/> No, specify other land owner
B5	Does the land applied for cross a trail or railway bed? If so, identify <input type="checkbox"/> No <input type="checkbox"/> Yes, specify trail or railway crossing

C - LOCATION

C1	Estimated size of the area	
C2	PID number	Adjacent PID
C3	County	Parish

D - SITE DESCRIPTION

D1	Adjacent use and ownership

D2	Is there a watercourse nearby, adjacent or through the requested property?

D3	Is there access to the site?
	<input type="checkbox"/> No <input type="checkbox"/> Yes, specify:

D4	If there is a public access, describe its condition
	<input type="checkbox"/> Good condition <input type="checkbox"/> Fair condition <input type="checkbox"/> Poor condition

D5	If there is a public access, is there year round access to the site?
	<input type="checkbox"/> Yes <input type="checkbox"/> No

D6	Is there evidence of present occupation on the land ?
	<input type="checkbox"/> Building <input type="checkbox"/> Fences <input type="checkbox"/> Clearing <input type="checkbox"/> Other, specify:

D7	Vegetation cover
	<input type="checkbox"/> Forest <input type="checkbox"/> Clear cut <input type="checkbox"/> Partial cut <input type="checkbox"/> Field <input type="checkbox"/> Other, specify

D8	Describe the boundary lines
	<input type="checkbox"/> Evidence <input type="checkbox"/> No evidence <input type="checkbox"/> All visible

E - PAYMENT & SIGNATURES

Indicate the method of payment used for application fee

<input type="checkbox"/>	Money Order (made payable to the Minister of Finance)	
<input type="checkbox"/>	Cheque (made payable to the Minister of Finance)	
<input type="checkbox"/>	Credit Card	
	<input type="checkbox"/> Visa	<input type="checkbox"/> Master Card
	Number	Expiry date:
	Name on Credit Card if different from applicant:	
	Signature of Cardholder:	
<input type="checkbox"/>	Yes I am over 19 years of age	
		Signature of applicant
Date	_____ 20 _____	x

F - ATTACHMENTS

Required documents

F1	Application fee payment of \$57.00
F2	General Map (see Appendix A)
F3	Site Map (see Appendix A)
F4	Sketch
F5	Copy of Certificate of Incorporation (if applicable)
F6	Copy of the Title document of the lands that will be served by the easement (if applicable)

DEFINITIONS

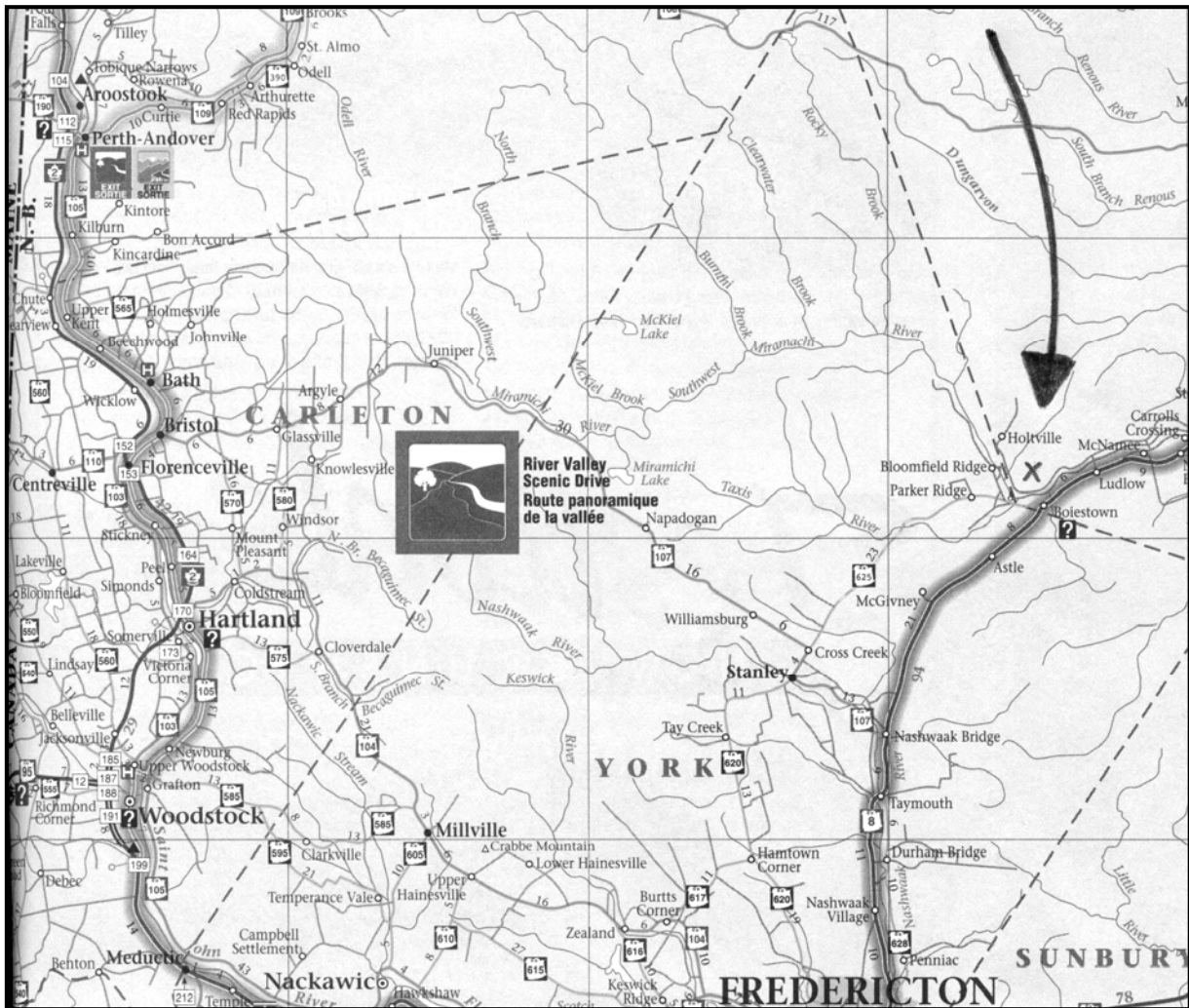
Term	Definition
Crown	Her Majesty the Queen, in right of the Province of New Brunswick as represented by the Minister of Natural Resources or any other Minister of the Provincial Government.
Crown Land	Crown Land is defined under the Crown Lands and Forest Act as the lands vested in the Crown that are under the administration and control of the Minister of Natural Resources and may include land covered by water.
Deed	A written document signed, sealed and delivered by the seller, transferring title (ownership) of a specific property to the purchaser.
Easement	A right enjoyed by one landowner over the land of another for a special purpose other than general use and occupation for an unlimited period of time. It does not give exclusive use, meaning that multiple easements could be given for the same land as long as each use does not interfere with another use. Easements are normally issued for access, utilities (e.g., power lines and fibre optics, discharge and intake pipes, water mains, etc.).
Encroaching	To illegally intrude or invade lands.
Environmental Impact Assessment	A screening process that examines the possible or probable impacts of a proposal on the environment. The approval is given by the Department of Environment and Local Government (DELG).
Freehold	Privately owned land.
Harvesting Permit	A permit issued by the local Ranger Office authorizing the permit holder to cut/harvest trees from Crown land.
Illegal Occupation	To occupy or use Crown land without permission or the legitimate right to do so.
Issuance Fee	Fee charged to issue a lease once it has been approved.
Parcel Identifier Number (PID)	A unique number issued by Service New Brunswick used to identify each property in New Brunswick.
Right-of-way	A right that an individual, or group of individuals, has to pass over land of another for access purposes.
Survey Plan	A survey plan is a drawing, map or plan prepared by a New Brunswick Land Surveyor to show information obtained from a survey of lands.
Title Documents	Those documents that provide evidence of ownership of property or evidence of a right, such as a deed or easement.

MAPS - EXAMPLES

The following are examples of maps that must be included in your application.

You must include a copy of 2 maps with your application.

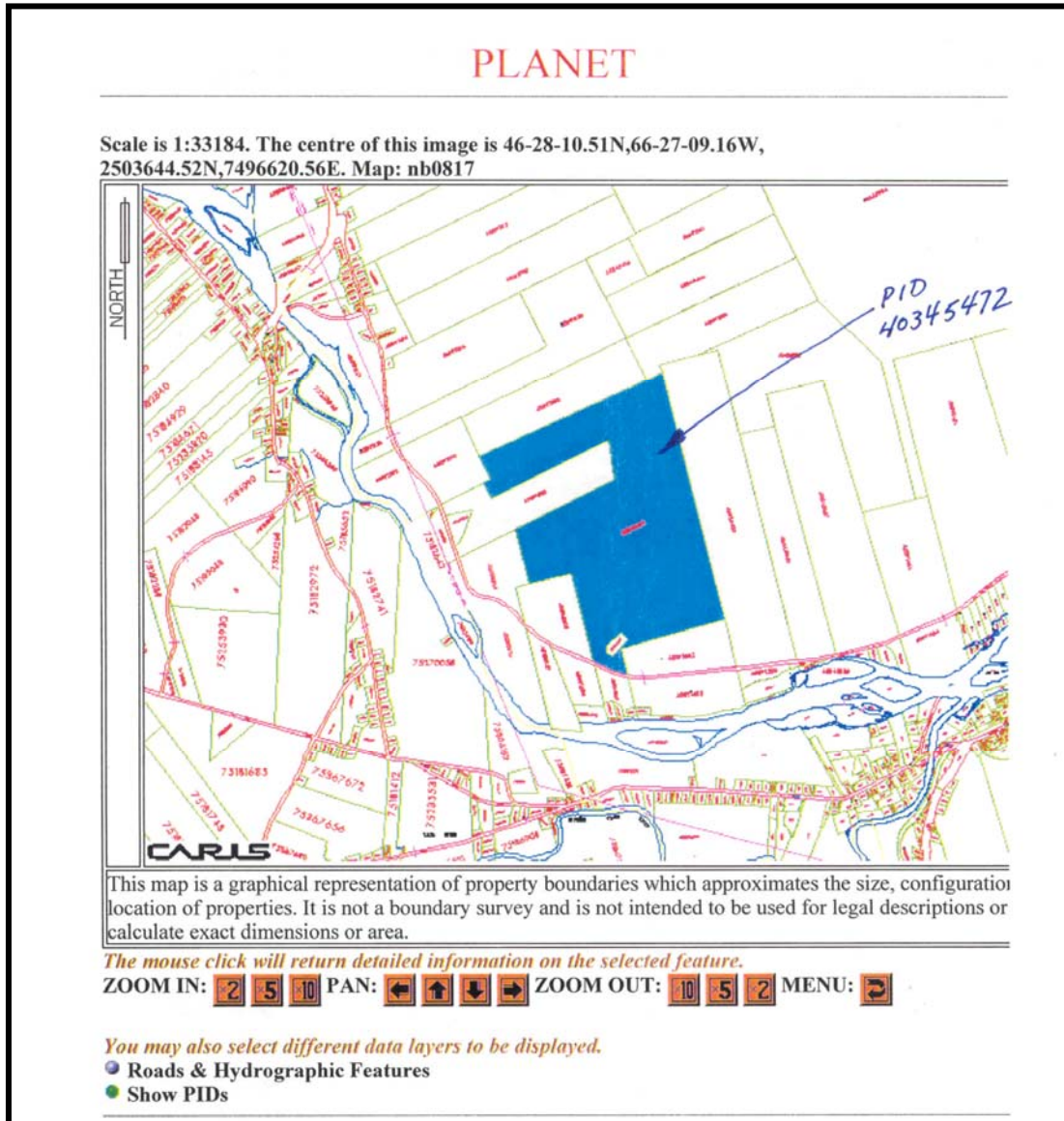
General Map: Include a general map that will locate the site within the province.
For example, a road map, or a Provincial Atlas map.



Site Map: Include a SNB Browser map that:

- clearly outlines the request site (highlight the boundaries),
- and have at least one legible PID number.

A Browser Map can be obtained at Service New Brunswick Registry and Mapping office.



CHECK LIST

Before sending your application, please ensure that you have included the following:

<input type="checkbox"/>	The application fee payment of \$57.00. (See section E of the application form for the different methods of payment.) non-refundable
<input type="checkbox"/>	A general map identifying the area.
<input type="checkbox"/>	A SNB Browser site map identifying the specific area applied for. Maps are available at your local Services New Brunswick (SNB) Registry and Mapping office*.
<input type="checkbox"/>	The PID number of the property. Available at your local Services New Brunswick (SNB) Registry and Mapping office*.
<input type="checkbox"/>	Complete, sign and date the application form.
<input type="checkbox"/>	Complete the Coastal Land-use Application Form if you intend to use Crown Lands located along the shore of inland or coastal waters.
<input type="checkbox"/>	All required attachments as per section F of the Application Form.

* Associated SNB mapping and research fees will apply.

Send your completed Easement Application Form to:

Department of Natural Resources
Crown Lands Branch
Land Use Application Service Centre
P.O. Box 6000
Fredericton NB E3B 5H1

Courier address: 1350 Regent Street, Room 250, Fredericton, NB E3C 2G6