

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.

LAND EXCHANGE APPLICATION PACKAGE

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This application package is used for Land Exchanges.

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

Land Exchange

The Department of Natural Resources (DNR) may exchange Crown Lands for privately owned lands with comparable merchantable timber value. The exchange will be on a value basis, not acre for acre.

Fees*:

- Application Fee: \$114.00 (\$100.00 plus HST) which is refundable upon closing of the exchange and will be credited towards the difference in value payable by the applicant. If, for any reason, the exchange is not completed, the fee is not refunded.
- 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 to use Crown Land, 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.

Are you the owner of the property being offered?

You must be the registered owner of the property being offered and have clear title to your property.

Information about the land offered for exchange

- Must offer significant resource features to the Crown such as:
 - special wildlife or wetland habitats;
 - recreational opportunities;
 - coastal habitats;
 - ecologically significant areas; or
 - access to Crown Lands or water-based resources.
- have market values within 10% of the lands to be exchanged;
- have merchantable timber values within 10% of that of the lands to be exchanged;
- have no associated restrictions imposed on the transfer, which the Department is not prepared to accept; and
- have no known or suspected significant environmental liabilities or contamination.

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.

Land offered for exchange should:

- help consolidate Crown Land;
- reduce boundary line maintenance; or
- meet at least one of the following criteria:
 - a) they have more than 50% of their boundary in common with Crown Land;
 - b) they border on Crown Land and utilize boundaries not requiring periodic maintenance (e.g. roads, rivers) such that the length of boundary requiring maintenance is reduced; or
 - c) they adjoin other privately owned land located within a major block of Crown Land such that the acquisition would lead to future consolidation of land units
- have clear title that is free of encumbrances and can be obtained by the Crown under the *Land Titles Act*.

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 if applicable.

Once your application has been accepted the following WILL apply:

1. Appraisals: In order to determine market value of the land the Department will have an appraisal conducted for both properties. The Department will bear the cost of appraising (including timber cruises) the Crown parcel, while the private land owner(s) will be charged for the cost of appraising their land.
2. Land Title Registration: If your land is not registered under the new Land Titles System, you will be responsible for placing your lands under Land Titles prior to the land exchange being completed.
3. Timber Cruise: Both parcels must be cruised in order to determine the market value of the land. All timber cruises must be conducted in accordance with the Terms of Reference found in the *N.B. Forest Development Survey Field Manual* (Forest Management Branch, Department of Natural Resources, Revised March 2000) The private land owner will be responsible for the cost of the timber cruise for their property.
4. Transfer Documents: The private land owner(s) shall provide the Minister of the Department of Natural Resources, at their own expense, a transfer document, which must be prepared by a lawyer and a Certificate of Registration identifying the Minister of Natural Resources as the new land owner.
5. Taxes: The applicant will pay tax (14%HST) on the full market value of the property they are acquiring.

Once your application has been review, the following MAY apply:

6. Sub-Division Plan: If any lands are to be sub-divided, it must be done in accordance with the *Community Planning Act*, and a sub-division plan must be provided.
7. 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.

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 Land Exchange 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: any 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 - Location and Description of Crown Land

Section C - Location and Description of Privately Owned Land

B1 / C1 - 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.

Please provide an estimate of the size of the proposed Crown Land and private land properties.

B2 / C2 - Identify the Parish and County where the Crown/private lands are located.

B3 / C3 - 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

B4 / C4 - 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.

B5 / C5 - 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.

B6 / C6 - What is the site currently used for?

B7 / C7 - Identify the adjacent properties, what they are used for and who are the owners.

B8 / C8 - Is there road accessing to the land? Give its name and specify: highway, secondary road, private road, forest road, or other.

B9 / C9 - Is a road is accessing the land, describe its condition (ie: good, fair, poor).

B10 / C10 - Can you access this land year round?

C11 - List any features of the land that make the proposal of interest to the Department of Natural Resources.

C12 - Are you aware of any known or possible environmental liabilities or contamination on this site?

Section D - Payment and Signatures

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

Section E - Attachments

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

E1 - The application fee payment of \$114.00. (See section D of the application form for the different methods of payment.)

E2 - Include a Certificate of Registered Ownership if your land is under Lands Titles or your current deed, if your land is in the Registry System, listing you, as the current land owner.

E3 - A general map that will locate the sites within the province. For example, a road map, or a Provincial Atlas map. See **Appendix A**.

E4 - A detailed SNB Browser site map large enough to locate the sites. This map is available at your local Service New Brunswick 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.

E5 - A copy of the "Certificate of Incorporation" where the applicant has corporate status which will include appropriate signing officials and also the names and titles of signing officers.

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.

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

Application Form - Land Exchange

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 - LOCATION AND DESCRIPTION OF CROWN LAND

B1	PID Number	Estimated size of the area (in hectares)					
B2	Parish	County					
B3	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:		
B4	Describe the boundary lines						
	<input type="checkbox"/> Evidence	<input type="checkbox"/> No evidence	<input type="checkbox"/> All visible				
B5	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:			
B6	What is the current use of the subject property?						
B7	Adjacent use and ownership?						
B8	Is there access to the site?	<input type="checkbox"/> No	<input type="checkbox"/> Yes, specify:				
B9	If there is a public access, describe its condition						
	<input type="checkbox"/> Good condition	<input type="checkbox"/> Fair condition	<input type="checkbox"/> Poor condition				
B10	If there is a public access, is there year round access to the site?					<input type="checkbox"/> Yes	<input type="checkbox"/> No

C - LOCATION AND DESCRIPTION OF PRIVATELY OWNED LAND

C1	PID Number	Estimated size of the area (in hectares)
C2	Parish	County
C3	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:
C4	Describe the boundary lines	
	<input type="checkbox"/> Evidence	<input type="checkbox"/> No evidence <input type="checkbox"/> All visible
C5	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:
C6	What is the current use of the subject property?	
C7	Adjacent use and ownership?	
C8	Is there access to the site?	
	<input type="checkbox"/> No	<input type="checkbox"/> Yes, specify:
C9	If there is a public access, describe its condition	
	<input type="checkbox"/> Good condition	<input type="checkbox"/> Fair condition <input type="checkbox"/> Poor condition
C10	If there is a public access, is there year round access to the site?	
	<input type="checkbox"/> Yes	<input type="checkbox"/> No
C11	Specify any significant features	
C12	Environmental liabilities or contamination	
	<input type="checkbox"/> Yes	<input type="checkbox"/> No

D - PAYMENT & SIGNATURES**Indicate the method of payment used for application fee** Money Order (made payable to the Minister of Finance) Cheque (made payable to the Minister of Finance) Credit Card Visa Master Card

Number

Expiry date:

Name on Credit Card if different from applicant:

Signature of Cardholder:

 Yes I am over 19 years of age

Signature of applicant

Date

20

x

E - ATTACHMENTS**Required documents**

E1 Application fee payment of \$114.00

E2 CRO (Certificate of Registered Ownership) or current deed.

E3 General Map (see Appendix A)

E4 Site Map (see Appendix A)

E5 Copy of Certificate of Incorporation (if applicable)

DEFINITIONS

Term	Definition
Appraisals	In order to determine market value of Crown land the Department may have an accredited property appraiser carry out this determination. In the case of land exchanges (private property in exchange for Crown land), the Department would bear the cost of appraising (plus the timber cruise) the Crown parcel, while the private landowner(s) would be bear the cost of appraising their property.
Certificate of Registered Ownership (CRO)	Under the Land Titles System, a CRO is used to indicate the condition of title for a parcel of land. The existence of a CRO eliminates the need for any further title searches as government guarantees clear title under the <i>Land Titles Act</i> .
Clear Title	Good marketable title (ownership) free of encumbrance, obstruction or limitation.
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 <i>Crown Lands and Forest Act</i> 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.
Environmental Insurance	Environmental Remediation Insurance maintained by an individual who leases crown lands, intended to cover the cost of rehabilitating the Crown land should an environmental accident occur.
Freehold	Privately owned land.
Harvest	To remove plants or animals from Crown land, i.e. to cut timber, collect fiddleheads, hunt wildlife, etc.
Land Exchange	The Department of Natural Resources (DNR) may trade/exchange Crown land for privately owned land if both possess a comparable merchantable timber value. The exchange is based on value and not acre for acre.
Land Registry System	A public system in which transfer documents affecting land are registered.

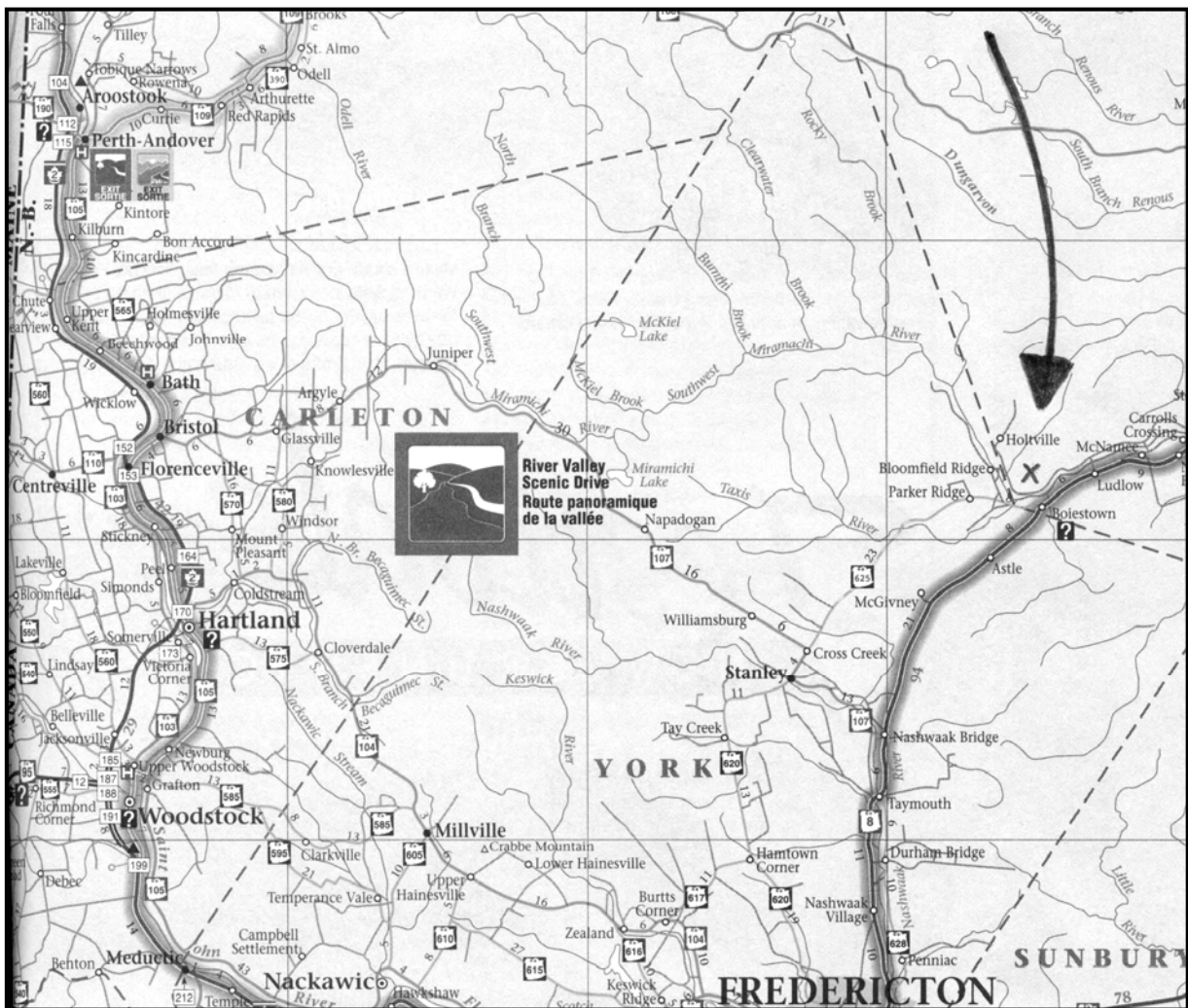
Land Titles System	Land Titles is a parcel based registry system which utilizes a Parcel Identifier (PID) to uniquely identify parcels of land and to record interests in that land. Unlike the Registry System, which has existed in New Brunswick for over 200 years, once parcels have been converted to Land Titles as “registered land”, the interests of individuals and enterprises in a parcel are guaranteed by the Province.
Market Value	The amount determined by an appraiser that indicates the amount a seller could expect to receive for their land on the open market.
Merchantable Timber Value	The amount that a seller may expect to receive in the open market for timber which is at a size that can be commercially cut.
Parcel Identifier Number (PID)	A unique number issued by Service New Brunswick used to identify each property in New Brunswick.
Subdivision Plan	A survey plan prepared for the purpose of subdividing land into two or more parcels, in accordance with the <i>Community Planning Act</i> , and able to be approved by a Development Officer for registration.
Survey	The physical measurement of land, water, or space above or below the surface of the earth and may include both natural and man made features.
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.
Timber Cruise	An inspection of a wooded area used to determine the amount of wood that is present and the value of that wood (i.e. the merchantable timber value).
Transfer Document	A document which transfers (conveys) the title to property from one person or group to another.

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.

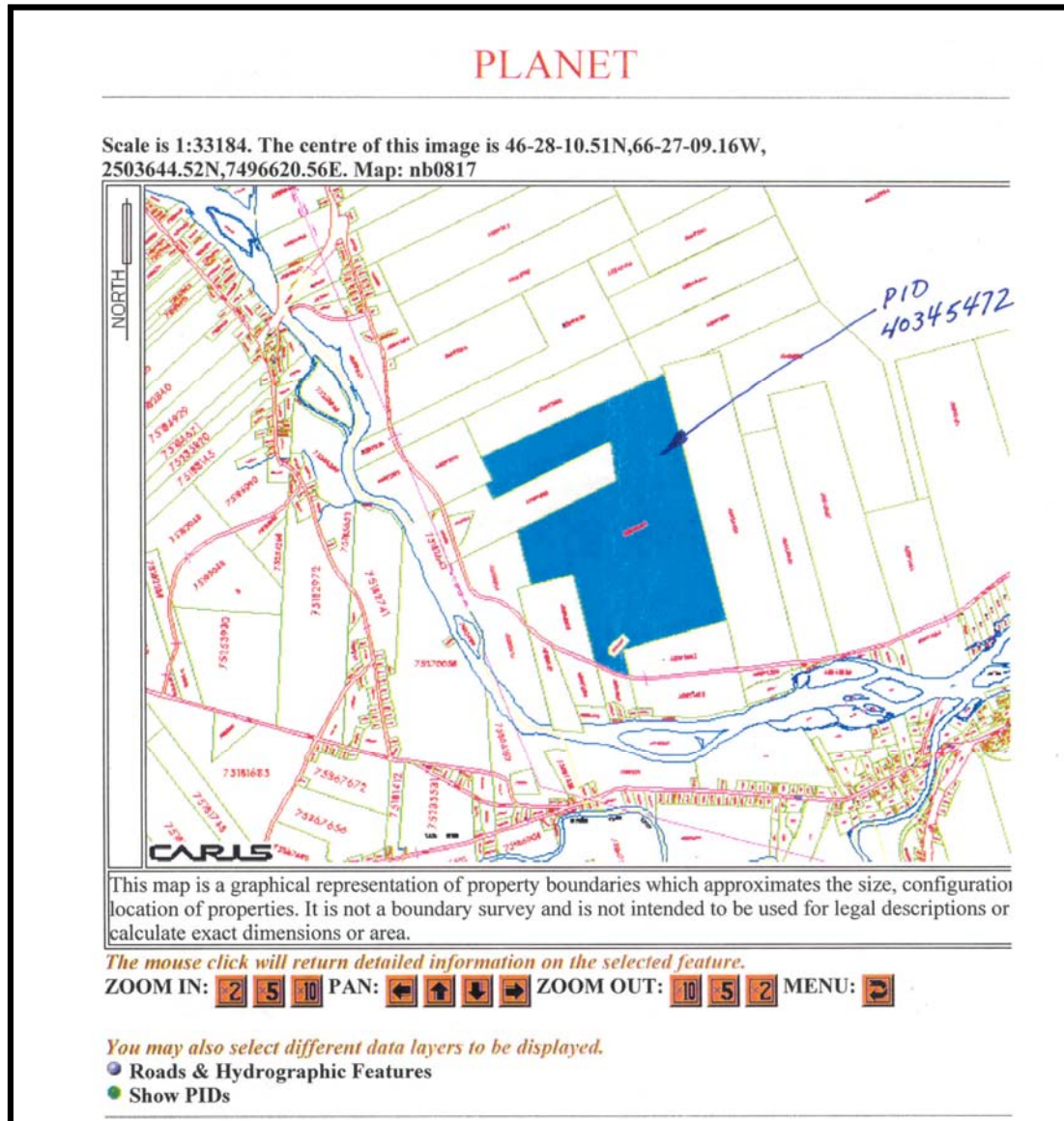
General Map: Include a general map that will locate the site within the province.
For example, a road map, or a Provincial Atlas map.



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 \$114.00. (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 Service New Brunswick Registry and Mapping office*.
<input type="checkbox"/>	PID number of the properties. Available at your local Service New Brunswick Registry and Mapping office*.
<input type="checkbox"/>	Complete, sign and date the application form.
<input type="checkbox"/>	All required attachments as per section E of the Application Form.

* Applicable mapping and research fee may be required.

Send your completed Land Exchange 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