

Memorandum of Agreement
Between the New Jersey Pinelands Commission
and Pemberton Township
February 16, 2024

I. PURPOSE

This Memorandum of Agreement (“MOA”) is entered into between the New Jersey Pinelands Commission (“Commission”), an independent political subdivision of the State of New Jersey, having its offices at 15 Springfield Road, P.O. Box 359, New Lisbon, New Jersey 08064; and the Township of Pemberton (the “Township”), a municipality, with its offices at 500 Pemberton-Browns Mills Road, Pemberton, New Jersey 08068.

Pemberton Township (“the Township”) is proposing to improve a portion of an existing walking trail in the Pinelands Area located along the perimeter of Pemberton Lake. These improvements will render the trail accessible to individuals with mobility (ambulatory) disabilities. The Township is proposing to flatten and stabilize a 0.65 mile portion of the trail located adjacent to the banks of the lake. In order to achieve its goal, the Township will need to grade and fill portions of the trail. The Pinelands Preservation Alliance (PPA), a non-governmental environmental organization, is assisting the Township with the project.

Portions of the existing Pemberton Lake Trail are located within wetlands and wetlands buffers. The Pinelands Comprehensive Management Plan (“CMP”) authorizes the development of trails within wetlands and wetland buffers provided certain standards are met. Specifically, (1) there is no feasible alternative route that does not involve development in a wetland/buffer, or, if none, that another feasible route which results in less significant adverse impacts on wetlands/buffers does not exist; (2) the need for the proposed linear improvement cannot be met by existing facilities or modification thereof; (3) the use represents a need which overrides the importance of protecting the wetland/buffer; (4) development of the facility will include all practical measures to mitigate the adverse impact on the wetland; and (5) the resources of the Pinelands will not be substantially impaired as a result of the facility and its development as determined exclusively based on the existence of special and unusual circumstances. (N.J.A.C. 7:50-6.13.)

As discussed below, the Township proposes to install gravel upon most of the existing dirt trail as part of its improvement project. There are other practical measures, such as the installation of boardwalks, that would have less impact on wetlands/buffers. The Township has advised that installation of boardwalks along the entire length of the trail proposed for improvement is cost prohibitive. Consequently, absent the Commission’s approval of this MOA permitting a deviation from the wetland and wetland buffer standards of the Pinelands CMP, N.J.A.C. 7:50-6.6, -6.13 and -6.14, respectively, the project would not be allowed. This MOA will also establish an alternative application process in accordance with N.J.A.C. 5:50-4.52(c)1.

II. BACKGROUND

Pemberton Lake is part of the Pemberton Lake Wildlife Management Area (“WMA”). It is located in the Township of Pemberton, Burlington County and is made up of three parcels. Two of these parcels, Block 825, Lots 7.01 and 7.04, are owned by Pemberton Township. The State of New Jersey owns the third parcel, Block 825, Lot 7.05, and the New Jersey Department of Environmental Protection manages the WMA.

Pemberton Lake Trail is an existing walking trail located within the WMA. It is comprised of three sections: 1) an approximately 0.74 mile section that starts at a parking area located on Magnolia Road and then proceeds proximate to the lakeshore to the entrance of a parking area located off Coleman’s Bridge Road; 2) an approximately 0.30 mile section that starts at the entrance of the Coleman’s Bridge Road parking area then proceeds up Coleman’s Bridge Road to its intersection with the Pemberton Bypass; and 3) an approximately 0.28 mile section that runs proximate to the bypass from the intersection with Coleman’s Bridge Road to a point where the trail joins back to the first section. (Exhibit A).

Pemberton Lake is a scenic, manmade 45-acre impoundment off of Magnolia Road. The lake is bracketed by Magnolia Road, the Pemberton Bypass (Route 530), and Coleman’s Bridge Road. There are wetlands to the north and south of the trail. These wetlands feed into the North Branch of the Rancocas Creek and are part of the Rancocas Creek Watershed.

Pemberton Lake Trail is a good candidate for a place for accessible nature recreation. The trail is close to many homes and, thus, easy to visit for Pemberton residents. The trail is short, provides lovely views of Pemberton Lake and has places for fishing or enjoying the scenery along its length and at either end.

III. THE PROJECT

The Pinelands National Reserve represents an important recreational resource and contains a wide assortment of public open spaces including, but not limited to, two national wildlife refuges, numerous State-owned parks, forests and wildlife management areas, and county and municipal parks. Hundreds of miles of trails suitable for hiking and bicycling exist throughout the Pinelands as well as countless unmarked sand roads that are also used for these purposes.

The Pinelands CMP protects those natural resources necessary for compatible recreational uses and promotes recreational opportunities in a manner that minimizes land use conflicts by permitting low-intensity, recreational uses in undeveloped areas and directing more intensive recreational uses to developed areas. In order to be certified by the Commission, municipal

master plans and land use ordinances must contain a program to protect and enhance recreational resources.

There is a growing interest among public and nonprofit land managers to provide better opportunities for people with disabilities to access recreational resources in the Pinelands and coastal areas of the State through low impact and affordable improvements to suitable, existing trails. The Pemberton Lake project will serve as a demonstration project on the costs, feasibility, impacts and effectiveness of this kind of accessible trail project in a Pinelands setting.

The PPA received a grant from the Inclusive Healthy Communities program of the New Jersey Department of Human Services that allocates \$57,100 for accessibility improvements to trails in the Pinelands, including materials, equipment and professional fees associated with completing such projects. PPA is partnering with Pemberton Township to devote these funds to this project.

A. Need for Accessible Trails

People with disabilities that impair their ability to enjoy natural places make up a large portion of the population. According to the 2022 U.S. Census estimates, the total population of the seven counties located within the Pinelands National Reserve is about 2.4 million people. Approximately 14% of these individuals, just over 340,000, identify as having a disability. Ambulatory challenges account for 49% of these disabilities.

The percentage of people with disabilities is similar in Pemberton Township. Specifically, 14.3% of the Township's population self-identifies as having a disability. Of these individuals, 57.7% face mobility challenges.

The United States Department of Agriculture, Forest Service's Accessibility Guidebook for Outdoor Recreation and Trails, dated 2013, defines accessibility as a facility that complied with accessibility guidelines/standards when it was built or altered. With regard to trails, these standards require that the trail be firm and stable, at least 36 inches wide, with no more than a 5% grade (except for short segments), and without gaps or protruding obstacles. Based on these standards, it is likely that the vast majority of existing trails in Pemberton Township and the Pinelands National Reserve as a whole are not accessible, because they (1) are not flat due to gaps in the soil, slopes, protruding tree roots and puddles, (2) have sand that is too soft in places for regular wheelchairs or walkers, and (3) are not maintained, so the condition of these trails changes over time.

According to the Forest Service, the best way to integrate accessibility is to design programs and facilities to the greatest extent possible, without separate or segregated access for people with disabilities. The goal is independence, integration, and dignity for all visitors.

B. Health Benefits from Spending Time Outdoors

Although it is intuitive that human health is deeply intertwined with outdoor spaces and the environment, studies have proven the health benefits of spending time outside.¹ This growing body of research supports the beneficial effects that exposure to the natural world has on health, reducing stress and promoting healing.² These studies suggest that nature is not only nice to have, but it's a have-to-have for physical health and cognitive function.

C. Proposed Improvements

Pemberton Township is proposing to improve portions of the existing Pemberton Lake Trail. The existing trail starts at Pemberton's Magnolia Road parking area and proceeds proximate to the shoreline of Lake Pemberton to the trailhead at the New Jersey Department of Environmental Protection's Lake Pemberton WMA parking area on Coleman's Bridge Road. (Exhibit A.) The trail runs along the top of what was once a dyke or sand road created when the lake was part of a cranberry farm. There is an existing 905-square-foot boardwalk adjacent to the Magnolia Road parking area that extends to a pier on the west side of Pemberton Lake. The remainder of the trail is not accessible for individuals with mobility challenges, because it is uneven, has soft and wet spots, and has a steep incline. However, it is sufficiently wide, dry and flat along most of its course, to be readily improved to make it accessible.

Consistent with the United States Forest Service Guidelines³, the Township proposes to make improvements to the existing dirt trail to make it firm, stable and flat from side to side (4 feet wide) with no more than a 5% grade along its entire length. Specifically, the Township proposes to fill and grade portions of the trail within its existing width, to create a compacted subgrade to a 95% proctor density, i.e., on-site soil density equal to 95% of the maximum achievable compact. Clean gravel will then be placed on the trail, at variable depths depending on existing elevation, to match the existing grade edges. (See Stone Path Detail, Sheet 7 of Exhibit A.)

¹*Prescribing Nature: A Physician's Perspective on Wellness and the Outdoors*, <https://www.landscapeforms.com/blog/Pages/Prescribing-Nature-Article.aspx>

²*Ecopsychology: How immersion in Nature Benefits Your Health*, Jim Robbins, *Yale Environment* 360 (2020), <https://e360.yale.edu/features/ecopsychology-how-immersion-in-nature-benefits-your-health>. See also, *Nature and mental health: An Ecosystem Service Perspective*, Bratman et al., *Science Advances*, July 24, 2019, <https://www.science.org/doi/10.1126/sciadv.aax0903>.

³ US Forest Service Trail Accessibility Guidelines (FSTAG) dated 2013, <https://www.fs.usda.gov/sites/default/files/FSTAG-2013-Update.pdf>. See also <https://www.fs.usda.gov/sites/default/files/FSORAG-2013-Update.1.pdf>

For two portions of the trail, both 48 square feet, located in wetlands, the Township is proposing construction of two, separate boardwalks. These boardwalks would be constructed from pressure-treated lumber in sections 12 feet long by 4 feet wide. The deck of the boardwalk would consist of slats that are 2" x 8" x 4' within cleats that are 2" x 2" x 12'. The deck would sit on a backbone of 6" x 6" x 5' wood support structures. The boardwalk would also include two 4" x 4" x 12' side rails. The Township proposes to place the boardwalks directly on the ground. The use of posts or anchors is not proposed. (See Boardwalk Segment Detail, Sheet 7 of Exhibit A).

Pemberton Township is also proposing to install two accessible parking spaces at the Coleman's Bridge Road parking area. These new parking spaces will be paved. The remaining parking area will remain gravel. Currently, there are no accessible parking spaces in that parking area.

Pemberton Township intends to conduct the improvements using existing Township staff and resources, as well as PPA staff and volunteers. Additionally, once the improvements are completed, signage will be installed at each end of the trail advising that the trail is designed to be accessible to those using wheelchairs and that use of motorized vehicles, bicycles and horses is prohibited on the trail. The availability of the accessible trail will be promoted on various websites. Additionally, the Township intends to maintain the trail by conducting quarterly inspections and making repairs as necessary.

IV. MEASURES PROPOSED TO AFFORD AN EQUIVALENT OR BETTER LEVEL OF PROTECTION FOR THE RESOURCES OF THE PINELANDS

The proposed project is expected to result in the placement of gravel (i.e. fill) over 0.038 acres (1,656 square feet) of wetlands and 0.296 acres (12,894 square feet) of wetland buffers. To offset these impacts, Pemberton is proposing to revegetate two areas within the project site: one (4,980 square feet) adjacent to the Magnolia Road parking area and the other (9,250 square feet) adjacent to the Coleman Bridge Road parking area, with native Pinelands vegetation. Both of these areas are currently denuded and located within wetlands buffer areas. Pemberton also plans to install a 350-square-foot rain garden within the area to be revegetated adjacent to the Magnolia Road parking area.

Additionally, the Township proposes to install a gate at each end of the improved trail that is designed to permit pedestrians, wheelchairs, walkers and electric scooters to enter the trail, while making it difficult or impossible to enter with a motorcycle or ATV. The Township will also install wooden rail and post barriers at specific points along the Pemberton Bypass that are currently used unlawfully by motorcyclists to access the trail.

V. THE BASIS OF THE MOA

The Pinelands CMP at N.J.A.C. 7:50-4.52(c)2 authorizes the Commission to enter into intergovernmental memoranda of agreement with any agency of the Federal, State or local government to authorize such agency to carry out specified development activities that may not be fully consistent with the provisions of the CMP. In order to qualify for a MOA, the governmental entity must demonstrate, and the Commission must find, that any proposed development that may not be fully consistent with the provisions of the Pinelands CMP is accompanied by measures that will, at a minimum, afford a level of protection for the resources of the Pinelands equivalent to that provided by strict application of the standards of the Plan. As discussed above in Paragraph IV, Pemberton Township has proposed measures designed to offset the wetlands and wetland buffer impacts attributable to the project and these measures will afford, at a minimum, an equivalent level of protection for the resources of the Pinelands.

In accordance with N.J.A.C. 7:50-4.52(c)i, the Commission may also enter into intergovernmental memoranda of agreement with any agency of the Federal, State or local government which authorizes such agency to carry out specified development activities without securing individual development approvals from the Commission, provided that the specified development activities are consistent with the provisions of N.J.A.C. 7:50-5 and 6. Execution of this MOA also warrants alternative application procedures because the Township is proposing measures that will afford an equivalent level of protection of the resources of the Pinelands as would be accomplished by application of the standards in Subchapters 5 and 6, which makes the MOA consistent with requirements of the Pinelands CMP.

VI. AGREEMENTS

A. The Township agrees:

1. The proposed improvements to the Pemberton Lake Trail will be constructed in accordance with the following:
 - a. The Plan entitled "Pinelands Preservation Alliance, Pemberton Lake, Accessible Trail Improvement Plans, Block 825, Lots 7.01, 7.04 & 7.05, Township of Pemberton, Burlington County, New Jersey", prepared by Adams, Rehmann & Heggan, Associates, Inc., dated September 22, 2023, consisting of 7 sheets, and attached hereto as Exhibit A and incorporated herein by reference; and
 - b. Stormwater Management Narrative for Pemberton Lake Accessible Walking Trail & Restoration Area, Pinelands Preservation Alliance, Block 825, Lots 7.01, 7.04, & 7.05, Township of Pemberton, Burlington County, New Jersey, " prepared by Adams, Rehmann & Heggan, Associates, Inc., dated June 26, 2023.

2. It will undertake the following to provide an equivalent level of protection for the resources of the Pinelands:
 - a. Magnolia Road Parking Area– 4,980 sq. ft. Sand Area
 - i. It will revegetate the existing 4,980 sq. ft. sand area located adjacent to the Magnolia Road parking area in accordance with the vegetation standards of the Pinelands CMP at N.J.A.C. 7:50-6.23 through -6.27.
 - ii. It will construct a rain garden on a 350 sq. ft. portion of the 4,980 sq. ft. sand area located adjacent to the Magnolia Road parking area.
 - b. Coleman’s Bridge Road Parking Area – 9,250 sq. ft. Barren Area
 - i. It will revegetate a 9,250 sq. ft. area located at the trail head adjacent to the Coleman’s Bridge Road parking area in accordance with the vegetation standards of the Pinelands CMP at N.J.A.C. 7:50-6.23 through -6.27.
 - ii. It will construct two accessible parking spaces at the Coleman’s Bridge Road parking area.
 - c. Other Offsetting Measures
 - i. It will install a gate at the trailhead at each end of the improved trail that is designed to permit pedestrians, wheelchairs, walkers, electric scooters and other mobility assisting devices to enter the trail, while prohibiting entry by off-road vehicles.
 - ii. It will install wooden barriers at other known areas used by off-road vehicles for trail access, to prevent future access by these vehicles.
3. At least thirty (30) days prior to commencing construction of the proposed improvements to the Lake Pemberton Trail, the Township shall provide the following information to the Executive Director:
 - a. Revegetation plans for revegetation of the 4,980 sq. ft. area adjacent to Magnolia Road and revegetation of the 9,250 sq. ft. area at the trailhead of the Coleman’s Bridge Road parking area. Such revegetation plans shall include:

- i. A list of the native Pinelands trees, plants and/or grasses that will be used in the revegetation plan. At a minimum, the plans for both denuded areas shall include the use of the following Pinelands native grasses: switchgrass, little bluestem and broomsedge, where appropriate. The revegetation plan for the Coleman's Bridge Road area shall include the planting of a combination of pitch pine and shortleaf pine at an equivalent rate of 300-400 plants per acre. Temporary fencing shall also be installed to protect the revegetated areas during maturation of the planted vegetation.
 - ii. A plan or sketch showing the locations of the plantings and temporary fencing.
 - iii. A plan for replacement of vegetation that does not survive after planting, and percentage survival rate for replanted vegetation required to ensure viability of the replanted areas in perpetuity.
- b. A plan for creation of the rain garden adjacent to the Magnolia Road parking area. This plan shall include the following:
- i. A plan depicting the existing conditions;
 - ii. A proposed site plan;
 - iii. A planting plan that includes a planting schedule listing the names of the plants, the number and size of each plant that will be planted and the location where the plants will be planted. Only native Pinelands trees, plants and grasses shall be used to create this rain garden. The Commission's Green Infrastructure Implementation Project plans may be used as a model, see:

[www.nj.gov/pinelands/infor/yard/20220711_PinelandsCommission_AsBuilt%20\(2\).pdf](http://www.nj.gov/pinelands/infor/yard/20220711_PinelandsCommission_AsBuilt%20(2).pdf);
 - iv. A plan showing planting details;
 - v. A conceptual drawing of what the rain garden is expected to look like upon completion; and

- vi. A plan for replacement of vegetation that does not survive after planting, and percentage survival rate for replanted vegetation required to ensure viability of the replanted area in perpetuity.
4. It will ensure that its staff, as well as any staff or volunteers provided by the Pinelands Preservation Alliance, any other entity or individuals who volunteer on their own, to assist with the construction of the proposed project, comply with the obligations of this MOA and all requirements of the Pinelands CMP, unless a deviation therefrom is expressly authorized by this Agreement.
5. Obtain any and all certificates, licenses, consents, approvals, or permits required from any other State and/or Federal entity, including but not limited to a Freshwater Wetlands General Permit 17 and a Right of Entry from the New Jersey Department of Environmental Protection, prior to commencing site preparation or construction of any portion of the proposed improvements to the Lake Pemberton Trail project, including the offsetting measures delineated in Paragraph VI.A.2 above. No part of this MOA is intended to release the Township and/or any of its consultants, including the Pinelands Preservation Alliance, staff, volunteers, assignees, or successors from the responsibility to obtain all required approvals.
6. Incorporate the terms of this MOA, as well as the obligation to comply with all requirements of the Pinelands CMP from which a deviation has not been expressly authorized by this Agreement into any agreements, contracts, or other legal documents pertaining in any way to the construction of the Lake Pemberton Trail Project.
7. Any material addition, deviation, or modification to the proposed Lake Pemberton Trail project as delineated in Exhibit A, shall require the Township to submit a formal public development application in accordance with N.J.A.C. 7:50-4.52(b) to the Commission and seek formal Commission approval of such addition, deviation, or modification. Any construction activities that may have commenced on the Lake Pemberton Trail project shall cease and no further development may proceed until the public development application review process has been completed and the Commission has issued a resolution approving the addition, deviation, or modification to the Lake Pemberton Trail project.

8. To the extent that new information becomes available or changes are made to the scope or design of the proposed Pemberton Lake Trail project that would result in more than a de minimis change to the impacts to wetlands, wetland buffers or threatened or endangered plants or animals species or habits for such animals, but would not be considered material and subject to Paragraph VI.A.7., the Township shall submit the new information or changes to the Executive Director who shall determine whether the proposed development remains consistent with the terms of this MOA, the requirements of N.J.A.C. 7:50-5 or 6 not addressed by this MOA, and Exhibit A and issue a written consistency determination.

9. If the Executive Director determines that as a result of the new information or any de minimis change to the scope or design of the proposed Pemberton Lake Trail project is inconsistent with the terms of this MOA or a standard of the Pinelands CMP from which a deviation has not been expressly authorized by this agreement or results in increased impacts to threatened or endangered animal species habitat or plant species, or wetlands or wetland buffers associated with the proposed Pemberton Lake Trail project, the Township shall modify the proposed development project(s) until the Executive Director determines that it is consistent with all requirements of this MOA and the Pinelands CMP. If the Township disagrees with the Executive Director's determination, it may file an application for public development pursuant to N.J.A.C. 7:50-4.52(b) and seek formal approval from the Pinelands Commission of the project. The proposed development project may not proceed until the public development application review process has been completed and the Commission has issued a resolution approving the development project.

10. The terms of this MOA shall immediately be suspended in the event that the Executive Director determines that an unresolved violation of the terms of this MOA, a requirement of the Pinelands CMP for which a deviation is not authorized by this Agreement, or a written authorization issued by the Executive Director has occurred on the site of the Pemberton Lake Trail Project (Portions of Block 825, Lots 7.01, 7.04 & 7.05, Township of Pemberton, Burlington County, New Jersey). The Township shall have thirty (30) days to seek reinstatement of this MOA by providing the Commission with a written agreement itemizing the steps the Township will take to remedy the violation and a timeline for completion of such steps. If the measures and timeline for completion proposed by the Township are acceptable to the Executive Director, following Commission concurrence, she shall issue a letter to the Township reinstating the terms of this MOA. Failure of the Township to

complete the measure required to cure the violation or make changes to its submission following staff review within the specified timeline may result in reinstatement of the suspension.

11. The Township shall attend a meeting of the Commission's CMP Policy & Implementation Committee to provide a summary of the project following completion of the total project, including 1) the grading and installation of gravel and boardwalks on the Pemberton Lake Trail; 2) revegetation of and installation of the rain garden on a portion of the area adjacent to the Magnolia Road parking area; 3) revegetation of the denuded area at the trail head at the Coleman's Bridge Road parking area; 4) installation of gates at the trailheads at each end of the improved trail; 5) installation of wooden barriers to prevent access to the trail by off-road vehicles; and (6) construction of the two accessible parking spaces at the Coleman's Bridge Road parking area.
12. Notify the Commission upon the completion of each component of the project, including improvements to the Pemberton Lake Trail, revegetation of each of the denuded areas, construction of the rain garden and installation of the gates and wooden barriers as required in Paragraphs VI.A.1 and 2 above.

B. The Pinelands Commission agrees:

1. The Commission shall not require the filing of formal public development applications in accordance with N.J.A.C. 7:50-4.52(b) for the proposed improvements to the Lake Pemberton Trail and implementation of the offsetting measures set forth in Paragraphs VI.A.1 and 2 above, unless:
 - a. Any of the proposed offsetting measures set forth in Paragraph VI.A.2 are inconsistent with the requirements of this MOA and/or any of the standards of Subchapter 5 and 6 of the Pinelands CMP for which a deviation has not been expressly provided by this MOA, and the Township has not modified the proposed development project to render it consistent with such requirements;
 - b. There is a material addition to, deviation from, or modification to any of the proposed development projects; or
 - c. As a result of new information or any change to the scope or design of the proposed development project(s) submitted to the Executive Director in accordance with Paragraph VI.A.8., the proposed

development project is inconsistent with the requirements of this MOA or a standard of the Pinelands CMP from which a deviation has not been authorized by this Agreement or will result in a material increase in the threatened or endangered animal species habitat or wetlands/wetland buffers impacts associated with the proposed project for which deviations have been authorized by this MOA, and the Township has not modified the proposed development project to render it consistent with such requirements.

2. Within thirty (30) days of receipt of the information submitted pursuant to Paragraphs VI.A.3 or VI.A.8, the Executive Director will provide written authorization in accordance with Paragraph VI.B.4 or the Commission staff will provide a written explanation of deficiencies in accordance with Paragraph VI.B.3.
3. If the Executive Director determines that any portion of a proposed project is inconsistent with this MOA and/or the provisions of the CMP from which a deviation has not been authorized by this Agreement, then the Commission staff shall provide a written explanation of the deficiencies and identify specific actions that must be taken by the Township to remedy such deficiencies.
4. If the Commission staff determines, after review of information submitted in accordance with Paragraphs VI.A.3 or VI.A.8 and/or in response to any deficiency letter issued by the Commission pursuant to Paragraph VI.B.3, that a proposed project is consistent with this MOA and the provisions of the CMP from which a deviation has not been authorized by this Agreement, it shall issue a written authorization to the Township setting forth this determination. This written authorization shall constitute a public development approval and no further action by the Commission shall be required.
5. In the event of a suspension of the terms of this MOA in accordance with Paragraph VI.A.10, the Executive Director shall, following the Commission's concurrence, issue a letter to the Township reinstating the terms of this MOA following the Township's submission of a written agreement in accordance with Paragraph VI.A.10 and the acceptance of same by the Executive Director and the Commission. The Executive Director retains the right to a violation unresolved until such time as the Township has implemented all measures set forth within its written agreement.

VII. EFFECTIVE DATE, DURATION AND SIGNATURES

1. In accordance with N.J.S.A. 13: 18A-5(h), this MOA shall take effect following the conclusion of the Governor's review period and approval of the Pinelands Commission meeting minutes authorizing execution of this MOA and then upon approval and signature by the authorized representatives of all parties.
2. This agreement shall remain in effect unless amended by written consent of both Parties or otherwise terminated or suspended by the Pinelands Commission or terminated by both parties upon sixty (60) days written notice or suspended by the Commission in accordance with Paragraph VI.A.10.
3. This MOA, along with any exhibits, appendices, addendums, or schedules, attached hereto and incorporated herein by reference and any subsequent written amendments executed by the parties, constitutes the entire agreement of the parties, and supersedes all previous understandings and agreements between the parties, whether oral or written. The Parties hereby acknowledge and represent that said parties have not relied on any representation, assertion, guarantee, warranty, collateral contract or other assurance, except those set forth in this MOA, made by or on behalf of any other party or any other person whatsoever, prior to the execution of this MOA.
4. This MOA may be executed in counterparts. All such counterparts shall constitute an original and all of which together shall constitute one and the same agreement, binding upon the parties. Faxed and electronic signatures shall constitute original signatures.

IN WITNESS WHEREOF, the parties have caused their duly authorized representatives to execute this MOA on and as of the day and year written below. This MOA shall be executed in at least three (3) original copies, one of which is to be delivered to Pemberton Township and two (2) of which are to be delivered to the Pinelands Commission.

Pemberton Township

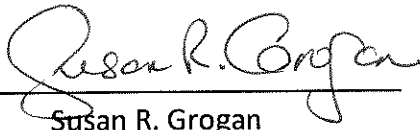
Witnessed:

By: Daniel Hornickel
 Name: Daniel Hornickel
 Title: Business Administrator
 Date: 02/16/2024

By: [Signature]
 Name: Anna Shaker
 Title: HR
 Date: 02/16/24

New Jersey Pinelands Commission

Witnessed:

By: 
Susan R. Grogan
Executive Director
Date: 2/16/2024

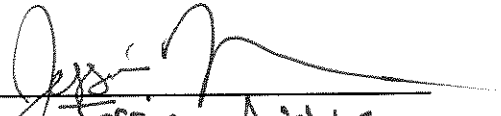
By: 
Name: Jessica Noble
Title: Executive Assistant
Date: 2/16/2024

Exhibit A

Pemberton Lake Accessible Trail Improvement Plans
Block 825, Lots 7.01, 7.04 & 7.05
Pemberton Township, Burlington County, NJ
Dated September 22, 2023, revised November 1, 2023

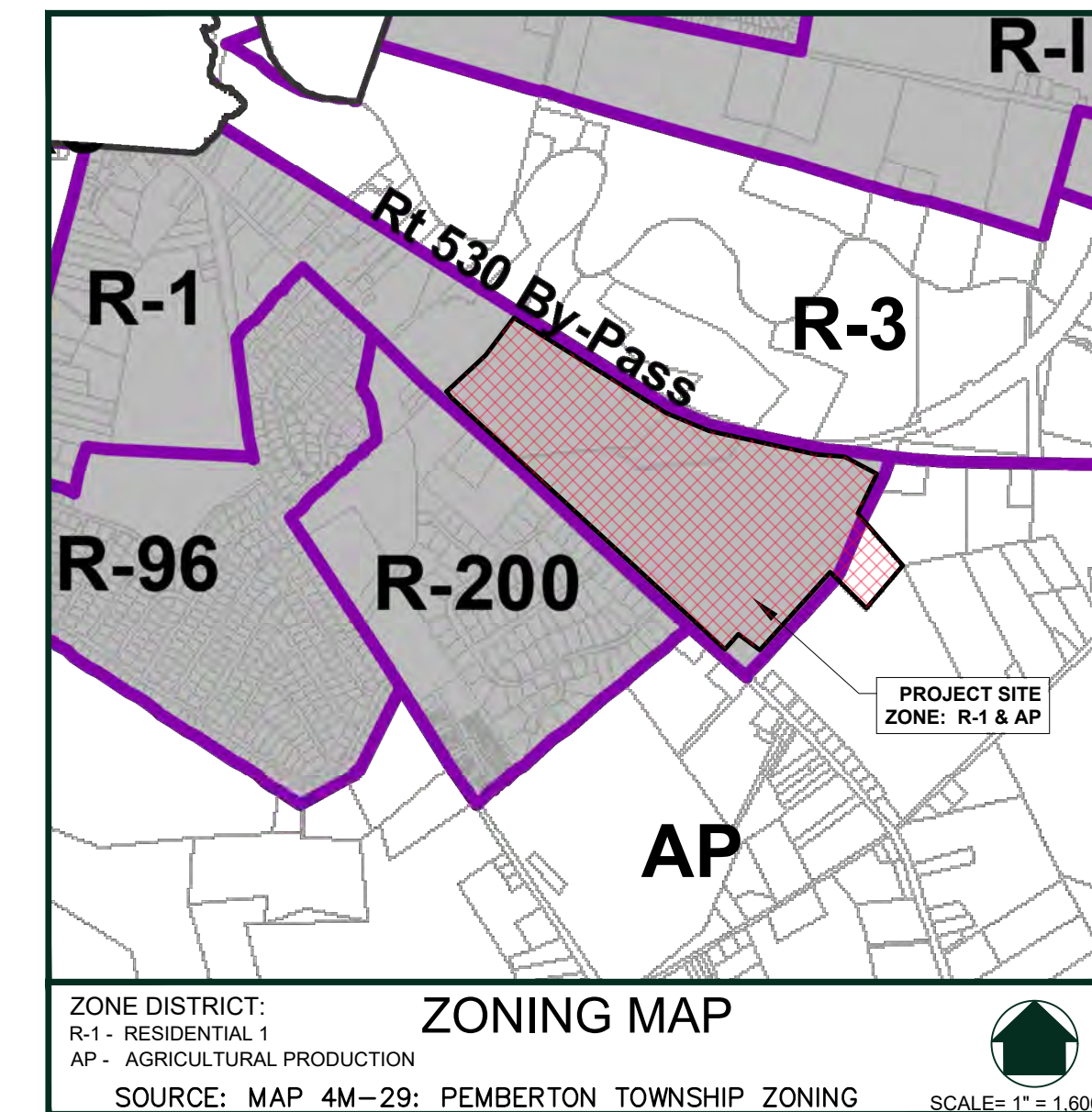
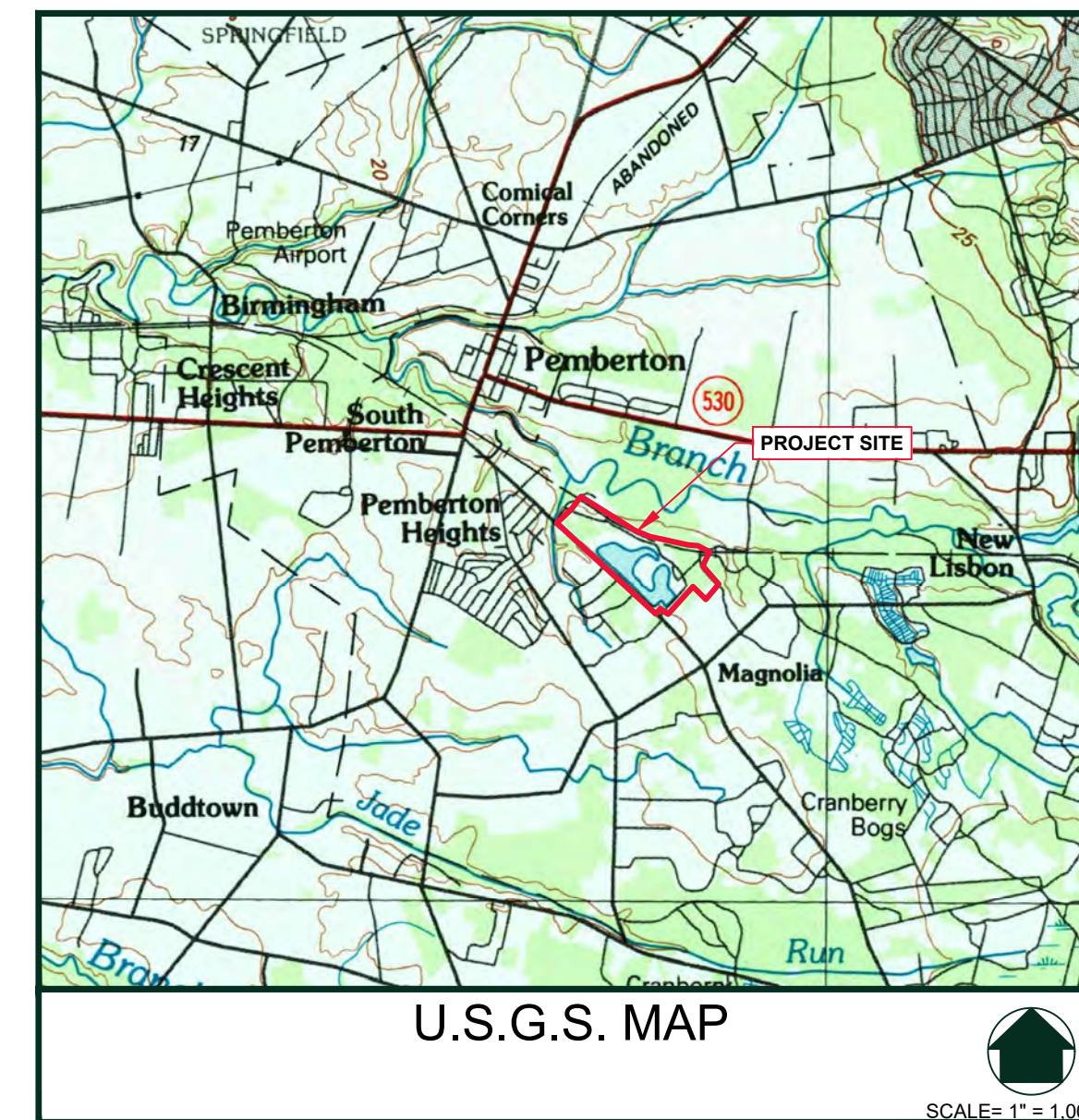
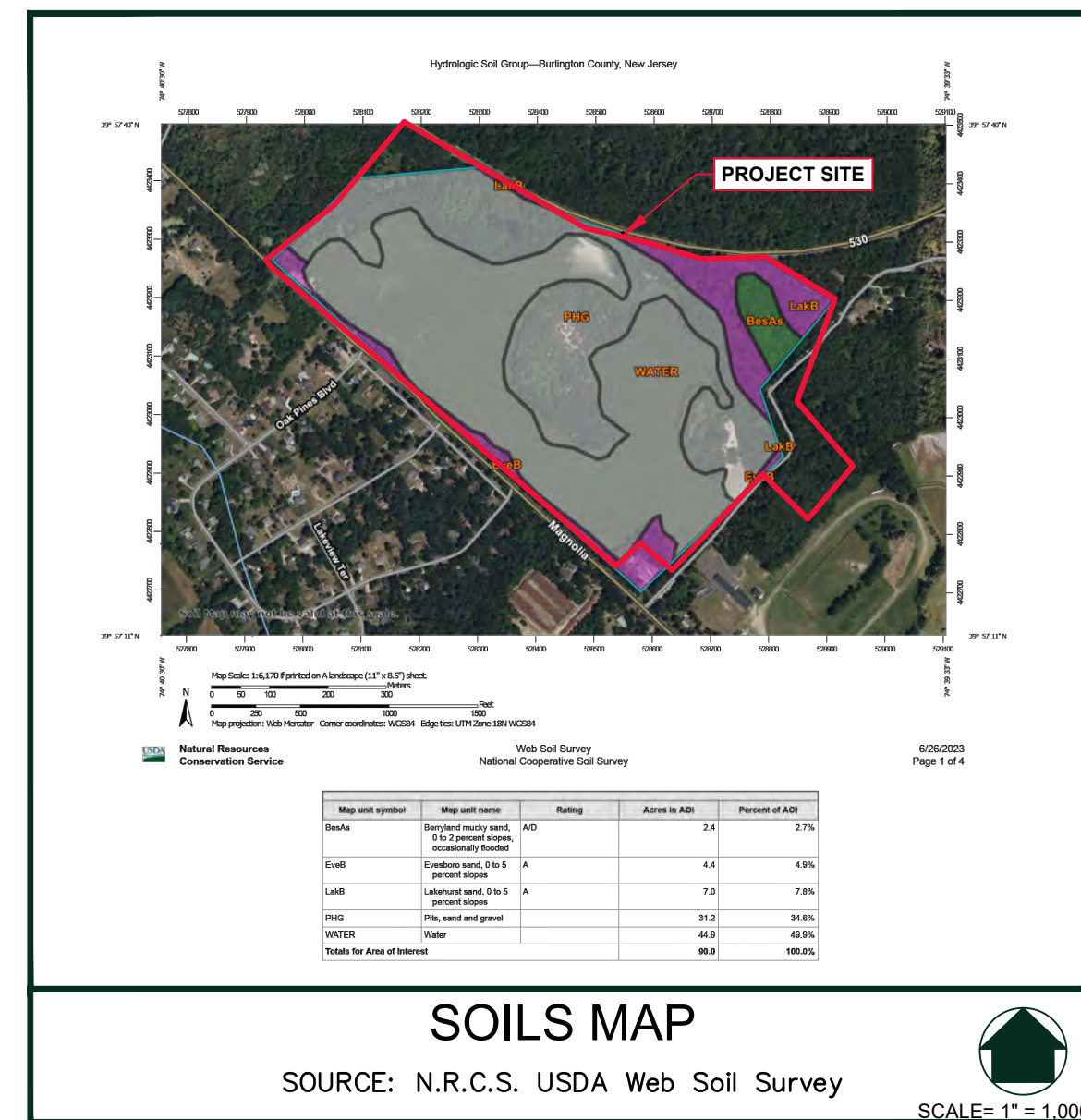
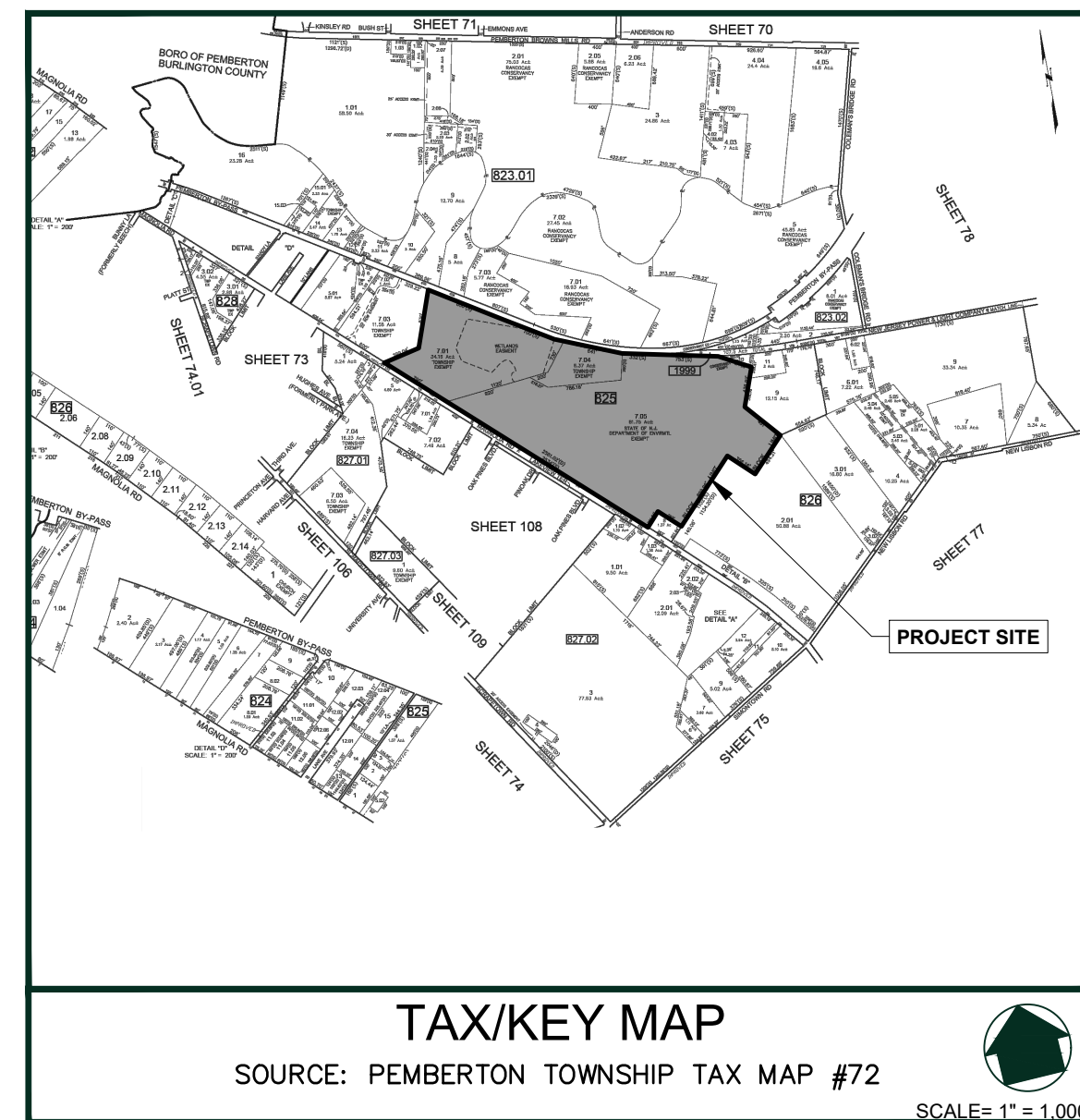
PINELANDS PRESERVATION ALLIANCE

PEMBERTON LAKE

ACCESSIBLE TRAIL IMPROVEMENT PLANS

BLOCK 825, LOTS 7.01, 7.04 & 7.05

TOWNSHIP OF PEMBERTON, BURLINGTON COUNTY, NEW JERSEY
SEPT. 22, 2023



AGENCIES/UTILITY COMPANIES:

NEW JERSEY ONE CALL
(UNDERGROUND LOCATING SERVICE)
PHONE: (800)272-1000

PSE&G
300 NEW ALBANY RD
MOORESTOWN, NJ 08057
PHONE: 800-436-7734

COMCAST
21 BEVERLY-RANCOAS ROAD
WILLINGBORO, NJ 08046
PHONE: 609-871-6900

VERIZON-NJ
10 TANSBORO ROAD
BERLIN, NJ 08009
PHONE: 856-767-6979

PEMBERTON TOWNSHIP
(SEWER DEPARTMENT)
500 PEMBERTON - BROWNS MILL ROAD
PEMBERTON, NJ 08068

JCP&L
101 CRAWFORDS CORNER ROAD
HOLMDEL, NJ 07733
PHONE: 800-662-3115

Sheet Number	Sheet Title
1	COVER
2	EXISTING CONDITIONS PLAN
3	SITE PLAN
4	SITE PLAN (2)
5	SITE PLAN (3)
6	SOIL EROSION AND SEDIMENT CONTROL NOTES
7	SOIL EROSION AND SEDIMENT CONTROL DETAIL & CONSTRUCTION DETAILS

PREPARED FOR
PINELANDS PRESERVATION ALLIANCE
17 PEMBERTON ROAD
SOUTHAMPTON, NJ 08088



PREPARED BY

ARH ASSOCIATES
certificate of authorization
NJ no. 24G027973300, DE no. 2167

ADAMS, REHMANN & HEGGAN ASSOCIATES, INC.
215 BELLEVUE AVENUE
PO BOX 579
HAMMONTON, NJ 08037-2019
TEL (609) 561-0462
FAX (609) 567-8909

GENERAL NOTES:

- OWNER: TOWNSHIP OF PEMBERTON
500 PEMBERTON-BROWNS MILLS ROAD
PEMBERTON, NJ 08068
- APPLICANT: PINELANDS PRESERVATION ALLIANCE
17 PEMBERTON ROAD
SOUTHAMPTON, NJ 08088
- THE SUBJECT PROPERTY IS KNOWN AS BLOCK 825, LOTS 7.01, 7.04 & 7.05 IN THE TOWNSHIP OF PEMBERTON, BURLINGTON COUNTY, NEW JERSEY. THE SITE PROJECT IS KNOWN AS ACCESSIBLE WALKING TRAIL AND PEMBERTON WILDLIFE MANAGEMENT AREA AT PEMBERTON LAKE.
- THE APPLICANT PROPOSES TO IMPROVE THE EXISTING PATH BY INSTALLING GRAVEL SURFACE ALONG THE MAJORITY OF THE TRAIL LENGTH TO IMPROVE ADA ACCESSIBILITY. A PORTION OF WETLAND AREAS A AND B WILL BE COMPLETED WITH A BOARDWALK, WHERE NOTED. THE EXISTING 4' TO 5' FOOT WIDE TRAIL IS A DIRTY/COMPACTED PATH ALONG A PORTION OF PEMBERTON LAKE PERIMETER AND MEASURES A TOTAL OF 40.65 MILES.
- BOUNDARY INFORMATION IS BASED ON THE TOWNSHIP OF PEMBERTON TAX MAPS. TOPOGRAPHIC INFORMATION IS TAKEN FROM PUBLICLY AVAILABLE LIDAR.
- THE EXISTING TRAIL AND WETLAND LOCATIONS WERE CONFIRMED DURING AN ON-SITE MEETING WITH THE NJ PINELANDS COMMISSION ON OCTOBER 16, 2023 AND HAVE BEEN FIELD SURVEYED BY ARH ASSOCIATES, INC. IN OCTOBER 2023.

MARK HERRMANN
PROFESSIONAL ENGINEER
NEW JERSEY LICENSE NO. PE 48688

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215 BELLEVUE AVENUE
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HAMMONTON, NJ 08037-2019
TEL (609) 561-0462
FAX (609) 567-8909

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COVER FOR
PEMBERTON LAKE
ACCESSIBLE TRAIL IMPROVEMENT PLANS
BLOCK 825, LOTS 7.01, 7.04 & 7.05
TOWNSHIP OF PEMBERTON, BURLINGTON COUNTY, NEW JERSEY

DATE: SEPT. 22, 2023
SCALE: AS SHOWN
DRAWN BY: P.T.
CHECKED: R.H.
PROJ. NO.: 5052894-01

DRAWING LOCATION
LAST DATE SAVED
LAST SAVE BY

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11/2/2023
puckner

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GENERAL NOTES:

- TRAIL LOCATION, VARYING WIDTHS (4 - 5'), AND WETLANDS AREA A AND B SURVEYED BY ARH ASSOCIATES, INC. IN OCTOBER 2023. TOTAL LINEAR LENGTH OF EXISTING COMPACTED TRAIL IS APPROXIMATELY 3423 LF (±0.65 MILES).
- THE NJ PINELANDS INTERACTIVE MAP WAS UTILIZED TO DISPLAY APPROXIMATE WETLAND AREAS SURROUNDING THE TRAIL. THE WETLAND AREAS OF THE TRAIL WERE FIELD VERIFIED BY ARH ASSOCIATES, INC. IN JUNE 2023 AND FIELD CONFIRMED BY NJ PINELANDS COMMISSION DURING AN ON-SITE FIELD MEETING CONDUCTED ON OCTOBER 16, 2023. WETLANDS AREA A AND B WERE SUBSEQUENTLY SURVEYED BY ARH ASSOCIATES, INC. IN OCTOBER 2023 AND CONFIRMATION OF EXISTING TRAIL LOCATION AND OTHER CONDITIONS WERE FIELD SURVEYED. REMAINING AREAS CONSIST OF WETLANDS BUFFER AREAS AND UPLANDS. ALL AREAS OF THE TRAIL EXIST AS "PREVIOUSLY DISTURBED" AND MAINTAINED TRAILS WITHIN THE NJ WILDLIFE MANAGEMENT AREA AND TOWNSHIP OF PEMBERTON.

TOTAL PROPOSED TRAIL IMPROVEMENTS

GRAVEL AREA OUTSIDE WETLANDS AREAS A & B	GRAVEL AREA IN WETLANDS AREAS A & B	BOARDWALK PROPOSED IN WETLANDS *
12,887 S.F. (0.296 AC.)	1,519 S.F. (0.035 AC.)	160 S.F. (0.003 AC.)

* BOARDWALK WILL BE EXTENDED FOR UP TO APPROXIMATELY 16 LF, AND PLACED WHERE NECESSARY RELATIVE TO REVIEW OF CONDITIONS ON THE TRAIL WHERE NEEDED. LOCATIONS SHOWN ON PLAN VIEW ARE APPROXIMATE AND WILL BE FIELD VERIFIED.



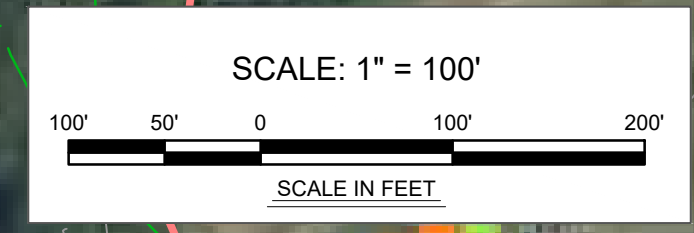
MARK HERRMANN
 PROFESSIONAL ENGINEER
 NEW JERSEY LICENSE NO. PE 48688

ADAMS, REHMANN & HEGGAN ASSOCIATES, INC.
 215 BELLEVUE AVENUE
 PO BOX 579
 HAMMONTON, NJ 08037-2019
 TEL (609) 561-0482
 FAX (609) 567-8809

2023-11-01 - REVISED PER PINELANDS COMMENTS
 REVISIONS

EXISTING CONDITIONS PLAN FOR
PEMBERTON LAKE
ACCESSIBLE TRAIL IMPROVEMENT PLANS
 BLOCK 825, LOTS 7.01, 7.04 & 7.05
 TOWNSHIP OF PEMBERTON, BURLINGTON COUNTY, NEW JERSEY

DATE: SEPT. 22, 2023
 SCALE: AS SHOWN
 DRAWN BY: P.T.
 CHECKED: M.H.
 PROJ. NO.: 5052894-01



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 LAST DATE SAVED: 11/22/2023
 LAST SAVE BY: pucker

TOTAL PROPOSED TRAIL IMPROVEMENTS		
GRAVEL AREA OUTSIDE WETLANDS AREAS A & B	GRAVEL AREA IN WETLANDS AREAS A & B	BOARDWALK PROPOSED IN WETLANDS *
5,404 S.F. (0.125 AC.)	1,519 S.F. (0.035 AC.)	160 S.F. (0.003 Ac.)

* BOARDWALK WILL BE EXTENDED FOR UP TO APPROXIMATELY 16 LF, AND PLACED WHERE NECESSARY RELATIVE TO REVIEW OF CONDITIONS ON THE TRAIL WHERE NEEDED. LOCATIONS SHOWN ON PLAN VIEW ARE APPROXIMATE AND WILL BE FIELD VERIFIED.



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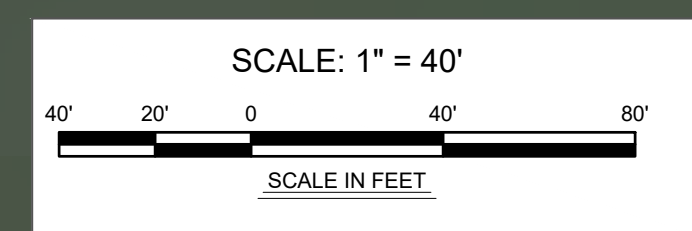
ADAMS, REHMANN & HEGGAN ASSOCIATES, INC.
 215 BELLEVUE AVENUE
 PO BOX 579
 HAMMONTON, NJ 08037-2019
 TEL (609) 546-0482
 FAX (609) 546-8909

DATE	REVISIONS
2022-11-01	REVISED PER PINELANDS COMMENTS

SITE PLAN (2)
 FOR
PEMBERTON LAKE
ACCESSIBLE TRAIL IMPROVEMENT PLANS
 BLOCK 925, LOTS 7, 01, 7, 04 & 7, 05
 TOWNSHIP OF PEMBERTON, BURLINGTON COUNTY, NEW JERSEY

DATE:	SEPT. 22, 2023
SCALE:	AS SHOWN
DRAWN BY:	P.T.
CHECKED:	M.H.
PROJ. NO.:	5052894.01

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LAST DATE SAVED	11/22/2023
LAST SAVE BY	phucker



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 LAST DATE SAVED: 11/2/2023
 LAST SAVE BY: pucker



DATE: SEPT. 22, 2023
 SCALE: AS SHOWN
 DRAWN BY: P.T.
 CHECKED: M.H.
 PROJ. NO.: 5052894.01

SITE PLAN (3)
 FOR
PEMBERTON LAKE
ACCESSIBLE TRAIL IMPROVEMENT PLANS
 BLOCK 825, LOTS 7.01, 7.04 & 7.05
 TOWNSHIP OF PEMBERTON, BURLINGTON COUNTY, NEW JERSEY

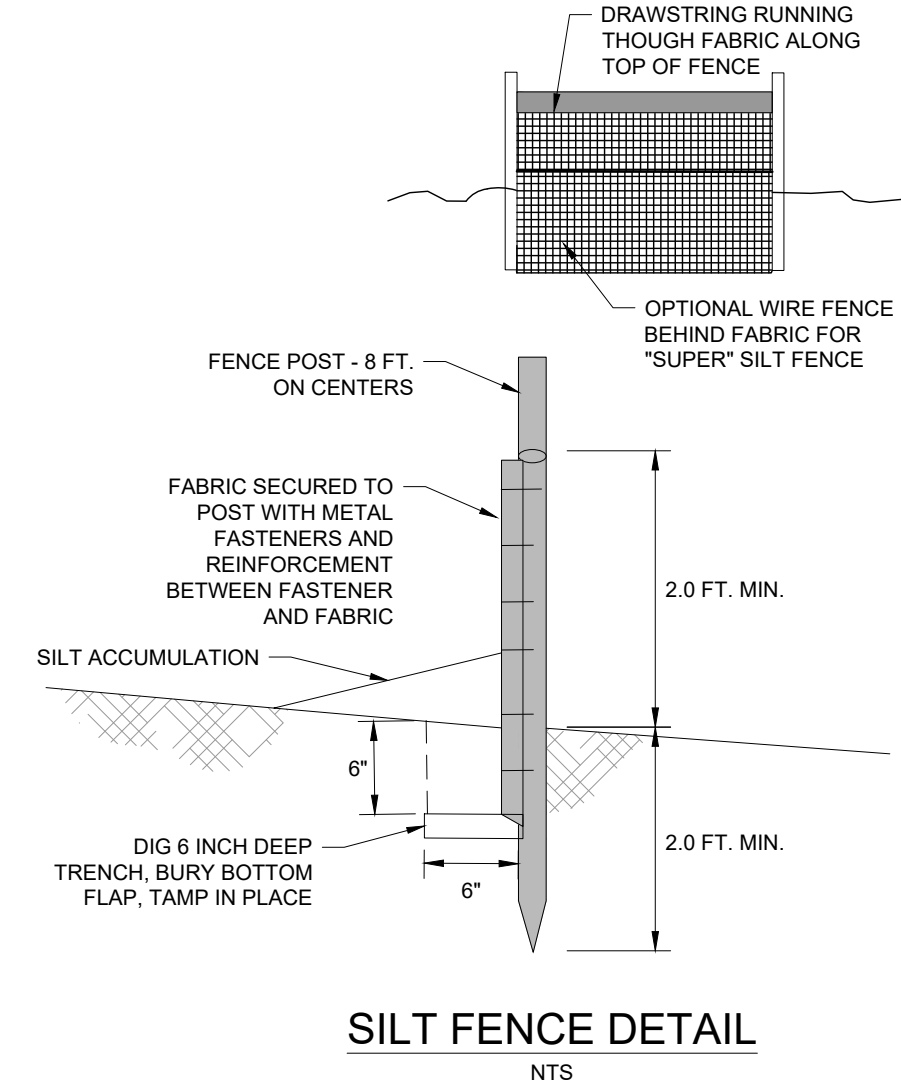
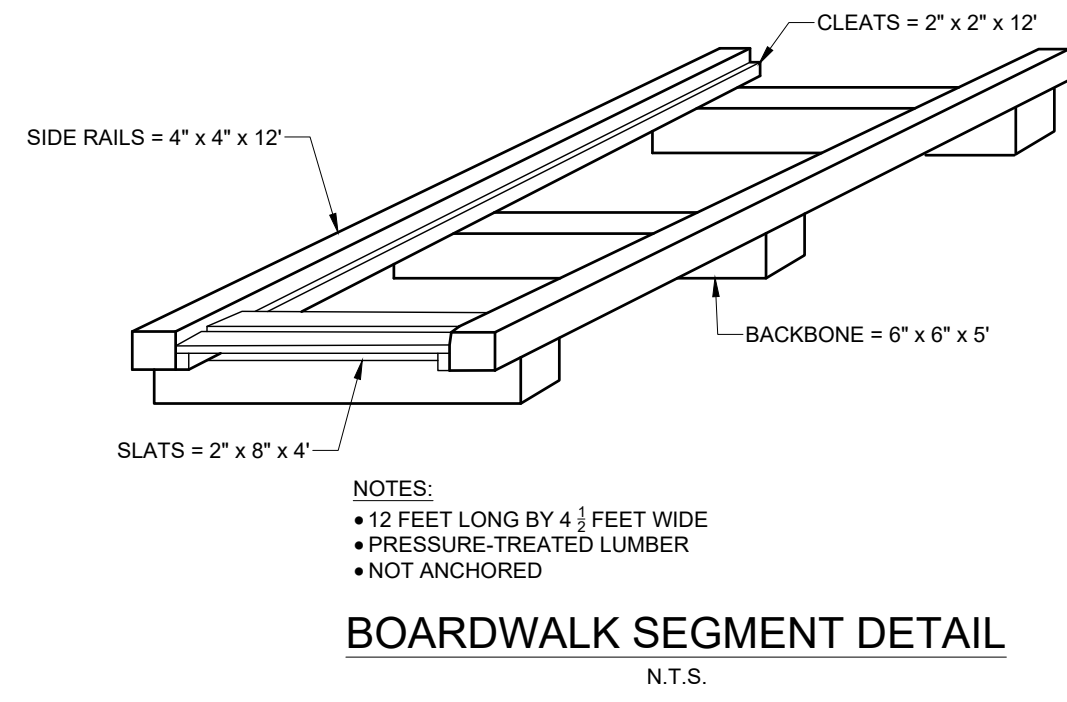
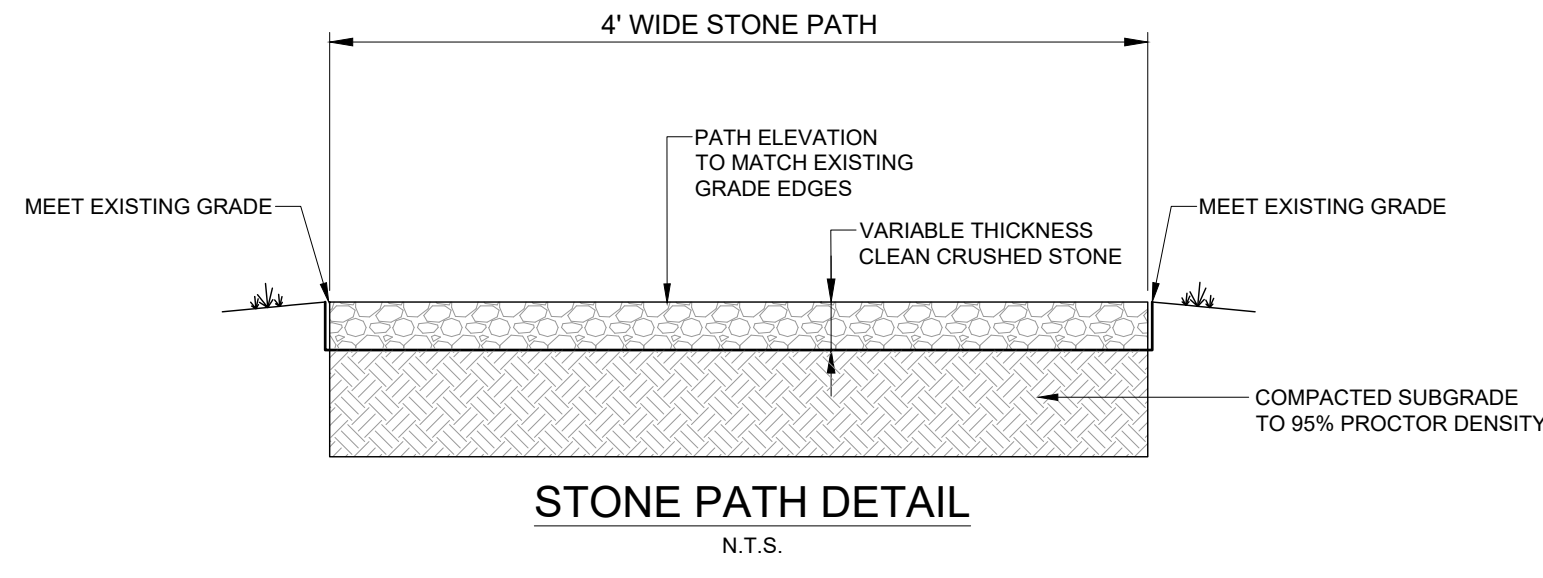
REVISIONS
2023-11-01 - REVISED PER PINELANDS COMMENTS

ARH ASSOCIATES
 CERTIFICATE OF AUTHORIZATION
 NJ No. 2462797300, DE No. 2187

ADAMS, REHMANN & HEGGAN ASSOCIATES, INC.
 215 BELLEVUE AVENUE
 PO BOX 579
 HAMMONTON, NJ 08037-2019
 TEL (609) 581-0482
 FAX (609) 581-8909

MARK HERRMANN
 PROFESSIONAL ENGINEER
 NEW JERSEY LICENSE NO. PE 48688

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LAST DATE SAVED	10/11/2023
LAST SAVE BY	plucker



- SILT FENCE REQUIREMENTS NOTES:**
1. FENCE POSTS SHALL BE SPACED 8 FEET CENTER-TO-CENTER OR CLOSER. THEY SHALL EXTEND TO AT LEAST 2 FEET INTO THE GROUND AND EXTEND AT LEAST 2 FEET ABOVE GROUND. POSTS SHALL BE CONSTRUCTED OF HARDWOOD WITH A MINIMUM DIAMETER THICKNESS OF 1-1/2 INCHES.
 2. "SUPER" SILT FENCE- A METAL FENCE WITH 6 INCH OR SMALLER MESH OPENINGS AND AT LEAST 2 FEET HIGH MAY BE UTILIZED, FASTENED TO THE FENCE POSTS, TO PROVIDE REINFORCEMENT AND SUPPORT TO THE GEOTEXTILE FABRIC. POSTS MAY BE SPACED LESS THAN 8 FEET ON CENTER AND MAY BE CONSTRUCTED OF HEAVIER WOOD OR METAL AS NEEDED TO WITHSTAND HEAVIER SEDIMENT LOADING. THIS PRACTICE IS APPROPRIATE WHERE SPACE FOR OTHER PRACTICES IS LIMITED AND HEAVY SEDIMENT LOADING IS EXPECTED. "SUPER" SILT FENCE IS NOT TO BE USED IN PLACE OF PROPERLY DESIGNED DIVERSIONS WHICH MAY BE NEEDED TO CONTROL SURFACE RUNOFF RATES AND VELOCITIES.
 3. A GEOTEXTILE FABRIC, RECOMMENDED FOR SUCH USE BY MANUFACTURER, SHALL BE BURIED AT LEAST 6 INCHES DEEP IN THE GROUND. THE FABRIC SHALL EXTEND AT LEAST 2 FEET ABOVE THE GROUND. THE FABRIC MUST BE SECURELY FASTENED TO THE POSTS USING A SYSTEM CONSISTING OF METAL FASTENERS (NAILS OR STAPLES) AND A HIGH STRENGTH REINFORCEMENT MATERIAL (NYLON WEBBING, GROMMETS, WASHERS ETC.) PLACED BETWEEN THE FASTENER AND THE GEOTEXTILE FABRIC. THE FASTENING SYSTEM SHALL RESIST TEARING AWAY FROM THE POST. THE FABRIC SHALL INCORPORATE A DRAWSTRING IN THE TOP PORTION OF THE FENCE FOR ADDED STRENGTH.

- SILT FENCE MAINTENANCE NOTES:**
1. SEDIMENT SHALL BE REMOVED FROM THE UPSTREAM FACE OF THE BARRIER WHEN IT HAS REACHED A DEPTH OF 1/2 THE BARRIER HEIGHT.
 2. REPAIR OR REPLACE BARRIER (FABRIC, POSTS, BALES, ETC.) WHEN DAMAGED.
 3. BARRIERS SHALL BE INSPECTED DAILY FOR SIGNS OF DETERIORATION AND SEDIMENT REMOVAL.

DATE: SEPT. 22, 2023
 SCALE: AS SHOWN
 DRAWN BY: P.T.
 CHECKED: M.H.
 PROJ. NO.: 5052894.01

SOIL EROSION AND SEDIMENT CONTROL DETAIL & CONSTRUCTION DETAILS
 FOR
PEMBERTON LAKE
ACCESSIBLE TRAIL IMPROVEMENT PLANS
 BLOCK 825, LOTS 7.01, 7.04 & 7.05
 TOWNSHIP OF PEMBERTON, BURLINGTON COUNTY, NEW JERSEY

NO.	DATE	REVISIONS

ARH ASSOCIATES
 Certificate of Authorization
 NJ No. 24642797300, DE No. 2187

ADAMS, REHMANN & HEGGAN ASSOCIATES, INC.
 218 BELLEVUE AVENUE
 PO BOX 579
 HAMMONTON, NJ 08037-2019
 TEL: (609) 549-0482
 FAX: (609) 549-8909

MARK HERRMANN
 PROFESSIONAL ENGINEER
 NEW JERSEY LICENSE NO. PE 48668

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