

Memorandum of Agreement
Between
The New Jersey Department of Environmental Protection,
Division of Coastal Resources
and the
New Jersey Pinelands Commission

Purpose and Applicability

This Memorandum of Agreement between the New Jersey Division of Coastal Resources and the New Jersey Pinelands Commission is intended to formalize a framework for coordinating the policies and activities of the Coastal Management Program (N.J.A.C. 7:7E-1.1 et seq.) and the Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-1 et seq.) in those portions of the Pinelands National Reserve which lie within the coastal zone. This memorandum applies only to those portions of the coastal zone within the Pinelands National Reserve.

The Pinelands Commission and Department of Environmental Protection, Division of Coastal Resources agree to the principles, procedures, and responsibilities that follow, recognize the statutory limitations of both agencies, and do not intend this memorandum of agreement to expand or limit their existing statutory powers in any way.

Points of Agreement

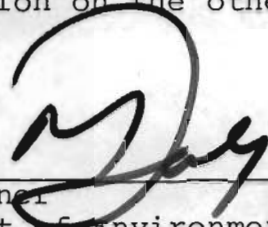
1. The Pinelands Commission and the Department of Environmental Protection, Division of Coastal Resources (DEP-DCR) agree that the Pinelands Comprehensive Management Plan and the Coastal Management Program are generally consistent with respect to those portions of the Pinelands National Reserve which lie within the coastal zone as defined in New Jersey's Coastal Management Program.
2. The Department of Environmental Protection, Division of Coastal Resources (DEP-DCR), agrees to implement the Pinelands Comprehensive Management Plan within the coastal zone to the extent of its statutory authority, and in accordance with DEP-DCR's Special Area Policy which states that coastal development "shall be consistent with the intent, policies, and objectives" of both Federal and State Pinelands legislation (N.J.A.C. 7:7E-3.42). In carrying out this agreement, DEP-DCR shall refer to the Pinelands Land Capability Map, relevant standards contained in the Pinelands Comprehensive Management Plan, and review comments submitted by the Pinelands Commission on applications for development within the Pinelands National Reserve.

3. The Department of Environmental Protection, Division of Coastal Resources (DEP-DCR) will consider the Pinelands Commission to be a reviewing agency for any CAFRA permit applications affecting the Pinelands National Reserve. The DEP-DCR shall also transmit for Commission review, certifications pursuant to Section 307 of the Coastal Zone Management Act of 1972, and Wetlands and Waterfront Development permit applications in the Pinelands National Reserve, where such applications involve major development as defined in the Pinelands Comprehensive Management Plan, and all applications in the Pinelands Area except for those activities specified in N.J.A.C. 7:50-4.1.
4. Where the DCR is reviewing a permit application involving land in the Pinelands National Reserve, the DCR shall ensure an opportunity for the Commission as well as the municipality in which the project is located to comment on the manner in which Pinelands standards apply to the subject application. Prior to any application being declared complete for filing, the DCR shall transmit to the Commission a copy of the application, site plans and environmental impact statement, if required, and request comments on the application which will be considered in the Division's decision on the application.
5. Within the portion of the State Pinelands Area which lies within the coastal zone, both DEP-DCR and the Pinelands Commission shall administer their respective statutorily mandated permit and review functions. The Pinelands Commission shall, within five working days of receipt of a completed application proposing development in the coastal zone, notify DEP-DCR of the application for development by sending a copy of the application to DEP-DCR for comment. DEP-DCR, prior to accepting a CAFRA, Waterfront Development, or Wetlands application for filing, shall require the applicant to furnish either a Certificate of Compliance, or a Certificate or Notice of Filing issued by the Pinelands Commission, whichever is appropriate. Both agencies recognize that each agency has the independent authority to approve or deny applications pursuant to its own regulations.
6. In the event that one or both agencies propose to amend their adopted regulations or policies, they will consult with the other to determine how the amendments will affect the administration of their respective programs, and will attempt to resolve any differences prior to taking action. In particular, the Commissioner of the Department of Environmental Protection signed Executive Order No. 70 on September 18, 1987, designating DEP-DCR

as the agency responsible for implementation of the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.) and the Flood Hazard Area Control Act (N.J.S.A. 58:16A-50 et seq.). DEP-DCR will consult with the Pinelands Commission, first to evaluate the level of consistency between the Pinelands Comprehensive Management Plan and the rules and standards of the Flood Hazard Area Control Act, second, to coordinate in the development of rules and standards to implement the Freshwater Wetlands Protection Act, and third, to develop specific recommendations and an implementation agenda for improving, where possible, the level of consistency throughout the entire Pinelands National Reserve and Pinelands Area where the regulatory jurisdictions of these statutes overlap.

7. Should inconsistencies between the Pinelands Comprehensive Management Plan and DEP's Rules on Coastal Resources and Development Policies be identified, the Pinelands Commission and DEP-DCR shall work together to make the two sets of policies more complementary, including, if necessary, eliminating inconsistencies through amendments to either or both sets of policies. In order to identify, discuss, and resolve policy and interpretation inconsistencies, and to ensure success of the cooperative application review and comment procedures, designated representatives of the DEP-DCR and Pinelands Commission staff shall meet periodically at a time and location to be mutually agreed upon, to discuss permit review coordination, specific policies and their interpretation, and growth area designation inconsistencies. A report of each meeting shall be prepared for review by the Director of the Division of Coastal Resources and the Executive Director of the Pinelands Commission.
8. DEP-DCR and the Pinelands Commission recognize similarity in their data bases and needs, and agree to share data whenever possible. To streamline the process, the Pinelands Commission and DEP-DCR will cooperatively work to standardize their respective data bases. In addition, the two agencies will work together in the development of a State Geographic Information System, and will coordinate long range planning and research agendas involving federal grant programs.
9. The Executive Director of the Pinelands Commission and the Director of the Division of Coastal Resources may jointly propose revisions to the terms and procedures of this Memorandum of Agreement from time to time.

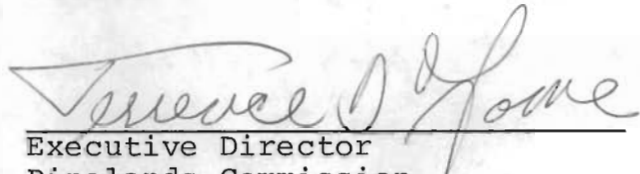
10. This MOA shall take effect upon signing by both parties and subsequent to the Governor's review for a period of ten (10) business days. This agreement may be terminated by either party by providing notice of termination on the other party sixty (60) days prior to termination.



Commissioner
Department of Environmental Protection

1/8/88

Date

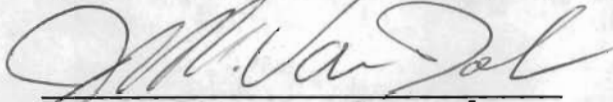


Executive Director
Pinelands Commission

2/8/88

Date

Approved as to form only by:



Deputy Attorney General
State of New Jersey

Dec. 28, 1987

Date