

**MEMORANDUM OF AGREEMENT
BETWEEN THE NJ PINELANDS COMMISSION
AND THE STATE OF NEW JERSEY DEPARTMENT OF CORRECTIONS**

I. PURPOSE

This Memorandum of Agreement (MOA) is between the New Jersey Department of Corrections ("Corrections") and the New Jersey Pinelands Commission ("Commission"). This MOA is intended to facilitate the review of certain development projects undertaken by Corrections in the Pinelands Area. The Pinelands Comprehensive Management Plan ("Pinelands CMP") authorizes the Commission to enter into intergovernmental MOAs with government agencies. Such MOAs may authorize government agencies to carry out specified development activities without securing individual development approvals from the Commission in accordance with the provisions of the Pinelands CMP.

II. MUTUAL AGREEMENTS

A. The Commission and Corrections agree that the following development undertaken by Corrections will not require notice or formal application to the Commission provided the development will not require a statewide freshwater wetlands individual or general permit authorization under the Freshwater Wetlands Protection Act or any other permit for development in wetlands required by the NJ Department of Environmental Protection:

- 1) the resurfacing of existing roads and parking areas constructed of an impervious material which will not result in an increase in the size or location of the existing impervious surface;
- 2) activities normally associated with the maintenance of drainage ditches as defined in the following manner: a linear excavation below the natural ground surface that is designed and maintained to convey stormwater runoff;
- 3) installation of lighting and electrical utilities along existing walkways, pathways, roadways and parking lots;
- 4) the construction, repair or removal of any onsite sign, except commercial signs;
- 5) the improvement, expansion or reconstruction within 5 years of destruction or demolition, of any single family dwelling or appurtenance thereto;
- 6) the clearing of less than 1,500 square feet of land;

- 7) the installation of fencing provided that no more than 1,500 square feet of clearing will occur;
- 8) the repair of existing utility distribution lines;
- 9) the demolition of any structure less than 50 years old and
- 10) normal and customary landscape planting.

B. The Commission and Corrections agree that the following development undertaken by Corrections will require notice to the Commission in accordance with (II.C) below, but will not require the filing of a formal Commission application:

- 1) development projects that do not involve the grading, clearing or disturbance of an area in excess of 5,000 square feet provided:
 - a) the development is served by public sanitary sewer; or,
 - b) if the existing or proposed development is or will be served by an onsite wastewater system, the development will not result in new or increased waste water flows in accordance with the applicable provisions of the Pinelands CMP (N.J.A.C. 7:50-6.84(a)4viii or (a)5ix).
- 2) Specifically excluded from (B.1) above is any development project requiring:
 - a) a statewide freshwater wetlands individual or general permit authorization under the Freshwater Wetlands Protection Act or any other permit for development in wetlands required by the NJ Department of Environmental Protection; or
 - b) a water allocation permit from the New Jersey Department of Environmental Protection for a well or increase in diversion from an existing well.

C. For all proposed development projects defined in (II. B) above, Corrections shall submit to the Commission at least forty-five (45) days prior to the commencement of any of these projects a narrative description of the proposed development, a copy of a U.S.G.S. quadrangle indicating the location of the proposed development and

of any of these projects a narrative description of the proposed development, a copy of a U.S.G.S. quadrangle indicating the location of the proposed development and a copy of any plan for the project.

Within thirty (30) days of receipt of the information, the Commission staff will provide comments regarding the consistency of the proposed development with the standards of the Pinelands CMP. If the Commission fails to notify Corrections of its determination within the prescribed time frame, Corrections may proceed with the proposed development.

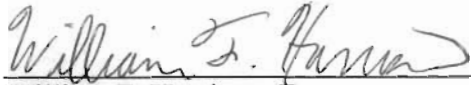
If, during the thirty (30) day review period set forth in the preceding paragraph, any portion of a submitted project is found to be inconsistent with the standards of the Pinelands CMP, Corrections agrees that the project will be modified until the Commission staff determines that the proposed development is consistent with the standards of the Pinelands CMP. No development shall occur until the Commission staff determines the development is consistent. If Corrections disagrees with a determination of inconsistency by the Commission staff, it may submit a formal application pursuant to paragraph (D) below.

- D. The Department of Corrections understands that:
- 1) Any development not identified in (II.A) or (II.B) will require a formal application to the Commission; and
 - 2) In accordance with the Pinelands CMP (N.J.A.C. 7:50-4.52(b)), the proposed development may not occur until a formal application has been completed and the Commission has approved the project.
- E. The Commission and Corrections agree to meet annually to discuss this MOA, the status of specific projects and other issues of mutual concern. Prior to this meeting, Corrections will submit to the Commission an annual list of anticipated projects.

III. EFFECTIVE DATE AND DURATION

- A. This Memorandum of Agreement shall take effect upon approval by the authorized representative of both parties and subsequent to the Governor's review for a period of ten (10) days.
- B. This agreement shall remain in effect until otherwise amended or terminated by either party upon sixty (60) days written notice.

IV. SIGNATURES



William F. Harrison, Esq.
Acting Executive Director
NJ Pinelands Commission

11/18/99

Date

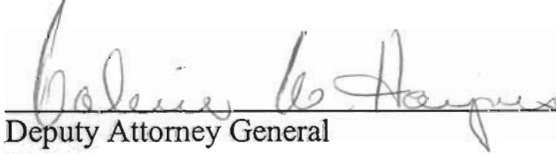


New Jersey Department of Corrections

11.9.99

Date

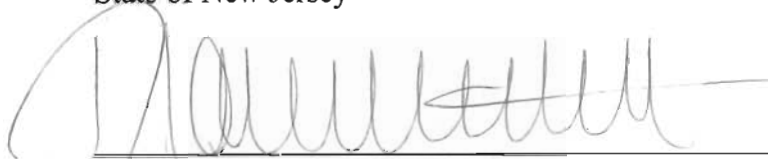
Approved as to form by:



Deputy Attorney General
State of New Jersey

10/26/99

Date



Deputy Attorney General
State of New Jersey

10/25/99

Date