

**MEMORANDUM OF AGREEMENT
BETWEEN
THE NEW JERSEY PINELANDS COMMISSION
AND
THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF PARKS AND FORESTRY**

I. PURPOSE

This Memorandum of Agreement (MOA) between the New Jersey Department of Environmental Protection, Division of Parks and Forestry (hereinafter "Division") and the New Jersey Pinelands Commission (hereinafter referred to as the "Commission") is intended to clarify the review of activities undertaken by the Division in the State parks and forests in the Pinelands Area. In accordance with N.J.A.C. 7:50-4.52(c), the Commission "may enter into intergovernmental memoranda of agreement with any agency of the federal, state or local government which authorize such agency to carry out specified development activities without securing individual development approval from the Commission" under the Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-1 et seq.).

II. MUTUAL AGREEMENTS

A. The Commission and the Division agree that the Division may proceed with the following activities without filing a formal application with the Commission or without submitting notice of the activity to the Commission, provided that the activity does not require a statewide general permit authorization or individual freshwater wetlands permit authorization under the Freshwater Wetlands Protection Act or any other permit required by the Department for development in wetlands:

- 1) the development of a trail on an existing cleared right-of-way;
- 2) the resurfacing of a right-of-way constructed of an impervious material which will not result in an increase in the width of the existing impervious surface;
- 3) the maintenance of existing sand or gravel roads which does not result in an increase in the width

- of the existing road and which does not result in a change in the composition in the road surface;
- 4) the realignment of an existing sand or gravel road in an existing cleared area provided there is no change in the composition of the road surface;
 - 5) the maintenance of existing sand, gravel or grass parking areas which does not result in an expansion of the parking area and which does not result in a change in the composition of the parking surface;
 - 6) the resurfacing of existing paved parking areas which does not result in an increase in the existing impervious surface;
 - 7) the repair, renovation or rehabilitation of existing guardrails or bridges;
 - 8) the repair, renovation or rehabilitation of an existing structure (eg. cabins, lean-tos) which is less than 50 years of age and which is not within a designated historic district, or the replacement of such in its exact location or the relocation of the structure to an area the Land Use Regulation Program of the Department or the Commission certifies is at least 300 feet from wetlands;
 - 9) the repair, renovation or rehabilitation of existing camping areas (including family camping areas, group and Multi-use camping areas, wilderness and trail-side camping areas) which does not result in an expansion of the camping area or an increase in the number of campsites;
 - 10) the repair, renovation or rehabilitation of existing picnic areas, playground areas, open play fields or day use areas which does not result in an expansion of the area;
 - 11) the less than 50% expansion of an existing fire tower, observation tower or platform;
 - 12) improvements to existing canoe, boat and fishing access areas.

B. The Commission and the Division agree that:

- 1) the following activities will not require the filing of a formal application for the approval of the Commission pursuant to the Pinelands Comprehensive Management Plan:
 - a) the replacement of an existing bulkhead;
 - b) the repair, renovation or rehabilitation of existing culverts or dams;
 - c) the repair, renovation or rehabilitation of an existing structure (eg. cabins, lean-tos)

which is greater than 50 years of age and which is located within a designated historic district;

- d) the relocation of an existing structure except as provided for in A.8;
 - e) the installation of an underground storage tank or an above ground storage tank which does not result in the disturbance of greater than 1500 square feet.
- 2) The Division shall notify the Commission 15 days in advance of the undertaking of those activities defined in (B.1.) by providing the Commission with the following:
- a) a narrative description of the proposed activity;
 - b) a copy of a U.S.G.S. quadrangle on which the location of the activity has been indicated.
- 3) Within 15 days of the receipt of the notice provided for in (B.2), the Commission will notify the Division if the proposed activity is consistent with the terms of this Memorandum of Agreement and the Pinelands Comprehensive Management Plan. If the Commission fails to notify the Division of its determination within the prescribed time frame, the Division may proceed with the activity as proposed.
- 4) If it has been determined by the Commission that the proposed activity does not meet the criteria established in (B.1.), the Division agrees to file an application for the development and it understands that no development may occur until formal approval from the Commission has been obtained.
- C. The Commission and Division agree that:
- 1) the following general list of development activities will not require the filing of a formal application for the approval of the Commission:
 - a) any type of activity identified in II.A. which requires a statewide general permit authorization or individual freshwater wetlands permit authorization under the Freshwater Wetlands Protection Act or any other permit required by the Department;

- b) the development of a new trails involving clearing;
- c) expansion of existing sand, gravel or paved roads;
- d) the less than 50% expansion of existing sand, gravel or grass overflow parking areas which does not result in a change in the composition of the surface of the parking area;
- e) the construction of new water control structures or bulkheads;
- f) the less than 50% expansion of an existing camping area (which includes family and walk-in family camping areas, group and multi-use camping areas, wilderness and trail-side camping areas);
- g) the less than 50% expansion of existing picnic areas, playground areas, open play field areas or day use areas;
- h) the construction of a new picnic shelter;
- i) the up to 50% expansion of an existing canoe, boat or fishing access area;
- j) the up to 50% expansion of lean-to areas;
- k) the expansion of existing cabin areas provided the expansion is no more than 50 percent of the number of existing cabins;
- l) construction of a new fire tower, observation tower or platform;
- m) the less than 50% expansion of an existing borrow pit;
- n) the less than 50% expansion of an existing structure;
- o) the installation of an underground or above ground storage tank which results in greater than 1500 square feet but less than 5000 square feet of disturbance.

2) for all proposed projects defined in (C.1), the Division shall submit the following information to the Commission at least forty-five (45) days prior to the commencement of any of these activities:

- a) a narrative description of the proposed activity;
- b) a copy of a U.S.G.S. quadrangle on which the location of the proposed development has been indicated;
- c) a copy of the plans for the project;
- d) an analysis of whether the project will impact on any cultural resources or Pinelands threatened or endangered species.

- 3) Within thirty (30) days of receipt of the information submitted pursuant to (C.2.), the Commission staff will provide comments regarding the consistency of the proposal with the requirements of the Pinelands Comprehensive Management Plan. If the Commission fails to notify the Division of its determination within the prescribed time frame, the Division may proceed with the activity as proposed.
- 4) If any portion of a project proposal submitted pursuant to (C.2.) is found to be inconsistent with the requirements of the Comprehensive Management Plan, the Division agrees that the project will be modified until the Commission staff determines that the proposed development is consistent with the standards of the Pinelands Comprehensive Management Plan. No development shall occur until the Commission staff determines the development is consistent. If the Division disagrees with a determination of inconsistency by the Commission, it may submit a formal application pursuant to paragraph (D).

D. The Division understands that:

- 1) any activity not generally identified in (II.A.1, II.B.1 or II.C.1) will require an application to the Commission; and
- 2) in accordance with N.J.A.C. 7:50-4.52(b), the proposed development may not occur until an application has been completed and the Commission has approved the project.


E. The Commission and the Division agree to meet at least annually to discuss this MOA, the status of specific projects and other issues of mutual concern.

III. EFFECTIVE DATE OF AGREEMENT 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 by both parties or terminated by either party upon sixty (60) days written notice.

IV. SIGNATURES


NJ Pinelands Commission


Division of Parks and Forestry


Attest: Susan L. Uebel

Attest: _____

Date: 10/13/95

Date: 8/10/95

Approved as to form by:


Deputy Attorney General
State of New Jersey

Date: 10/10/95