

MEMORANDUM OF AGREEMENT
BETWEEN
THE NEW JERSEY PINELANDS COMMISSION
AND THE
NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

I. Purpose

This Memorandum of Agreement (MOA) between the New Jersey Department of Environmental Protection (hereinafter "Department") and the New Jersey Pinelands Commission (hereinafter "Commission") is intended to formalize a framework for coordinating the policies and activities of each agency relating to forestry activities, as defined by N.J.A.C. 7:50-2.11, in the Pinelands Area. This agreement is the result of an analysis completed by the Commission, the Department's Bureau of Forest Management and an independent forester. The purpose of the analysis was to improve the review of forestry activities in the Pinelands Area.

This agreement is intended to accompany amendments to the Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-1.1 et seq.) proposed by the Commission on October 16, 1995.

In accordance with N.J.S.A. 13:18A-6.g., the Commission may enter into any and all agreements or contracts, execute any and all instruments, and do and perform any and all acts or things necessary, convenient, or desirable for the purposes of the commission."

II. Mutual Agreements

A. The Commission and the Department agree that:

1. The Forest Stewardship Committee shall establish a technical subcommittee to be composed of a Regional forester, a member of the Commission's Development Review and Intergovernmental Coordination and Enforcement staff, and a representative from the New Jersey Department of Environmental Protection Division of Parks and Forestry.
2. Within 15 days of receipt of a Stewardship Plan for a parcel located in the Pinelands Area, the Regional Forester shall forward a copy of the Stewardship Plan to the technical subcommittee established pursuant to II.A.1.

3. All Forest Stewardship Plans shall contain the following information:
 - i. A title page on which appears the following:
 - a. The signature of the landowner, the preparer and the State Forester's representative;
 - b. The description of the method used in delineating the property boundary lines;
 - c. A stewardship pledge;
 - d. The name, address and phone number of the preparer of the plan.
 - ii. A statement of the landowner's long range goals for the property;
 - iii. An overview of the property, i.e. general location, major forest types, general landforms, relevant description of landscape, etc.
 - iv. A general description of the landowner's goals and the expected effects of achieving Stewardship goals with the soil and water, wildlife, recreation/aesthetics and timber resources, along with a discussion of any known threatened and endangered species and cultural resources.
 - v. A description of the stand which includes the following:
 - a. Stand identification keyed to the map;
 - b. Vegetative cover type;
 - c. Size class (sapling, pole timber, saw timber, etc.);
 - d. Size of stand in acres;
 - e. Soil characteristics and erodability;
 - f. The objective for the stand and its relationship to the landowner's goals for the property;
 - g. The effects of such actions on the soil and water, wildlife, recreation/aesthetic and timber resources.
 - vi. A ten year stewardship management plan which identifies the forestry practices proposed by the applicant for all stands and which approximates the year all recommended actions are to take place.
 - vii. An explanation of each forestry practice identified in vi. above.
 - viii. A map or aerial photograph, not larger than 1" = 400' or smaller than 1" = 1320', showing the property with stands delineated and uniquely labeled.
4. Within 30 days of receipt of the application referred to in II.A.2 & 3, the technical subcommittee established pursuant to II.A.1 shall deter-

mine if the application is complete, if it is consistent with the forestry standards of the Pinelands Comprehensive Management Plan and if the property is eligible for enrollment in the New Jersey Stewardship Program. The technical subcommittee shall notify the applicant of any deficiencies or inconsistencies in the application.

5. Upon a favorable determination by the technical subcommittee established pursuant to II.A.1, that a property is eligible for the Forest Stewardship Program, the technical subcommittee shall issue a notice of enrollment in the Forest Stewardship Program. The notice of enrollment shall inform the applicant of the following:
 - i. The notice of enrollment satisfies the application requirements set forth in the Pinelands Comprehensive Management Plan;
 - ii. Other agencies may review and act on an application for the forestry activity which is the subject of the notice;
 - iii. If either a municipal or county agency grants an approval or permit for the proposed forestry activity, that approval is subject to review by the Pinelands Commission;
 - iv. No local approval shall take effect and no forestry shall occur unless written notice from the Pinelands Commission has been received, indicating either that the Commission will not review the local approval or that the Commission has approved the local approval.
6. The Commission will not require an application to conduct forestry activities in the Pinelands Area for any land enrolled in the Forestry Stewardship Program; however, such activity will be subject to the local permitting procedures required by N.J.A.C. 7:50-3.39(a)5 and the review procedures of N.J.A.C. 7:50-4.19 and 4.22 or 4.37 and 4.40.
7. The technical subcommittee established pursuant to II.A.1. shall ensure that forestry activities for which a notice of enrollment is issued will be consistent with the standards of the Pinelands Comprehensive Management Plan.

B. The Commission and the Department agree that:

1. Any forestry activities conducted on lands in the Pinelands Area which are not enrolled in the Forest Stewardship Program will require an application to the Commission.
2. Applications for forestry activities referred to in II.B.1 shall be forwarded to the New Jersey State Forester within 10 days of their receipt by the Commission.

3. Within 15 days of receipt of the application provided in accordance with II.B.2. the New Jersey State Forester shall notify the Commission if the forestry activity which is the subject of said application adheres to the silvicultural practices contained in the Society of American Foresters Forestry Handbook, Second Edition, pages 413 through 455, as amended, and if the forestry activity is consistent with the guidelines provided in the New Jersey Forestry and Wetlands Best Management Practices Manual developed by the Department, dated October 1995, as amended.

C. The Commission and the Department agree that:

1. For all forestry activities in the Pinelands Area which either require an application to the Commission in accordance with II.B. or which do not require an application to the Commission in accordance with II.A, the Department's Office of Natural Lands Management shall provide applicants with a list of any threatened or endangered plant or animal species on or in the vicinity of the proposed forestry activity.
2. If there is a threatened or endangered plant species on or in the vicinity of the location of the proposed forestry activity, the Office of Natural Lands Management shall notify the applicant if the proposed forestry activity will have an impact upon the species or its habitat. If there is a threatened or endangered animal species on or in the vicinity of the location of the proposed forestry activity, the Division of Fish, Game & Wildlife shall notify the applicant if the proposed forestry activity will have an impact upon the species or its habitat.
3. A working group comprised of representatives designated by the Executive Director of the Commission and the Department's Assistant Commissioner for Natural and Historic Resources, shall identify forest management practices which are consistent with the standards of the Pinelands Comprehensive Management Plan regarding the protection of local populations of threatened and endangered plants and animals. The working group shall be authorized to consult with experts from the Department, the Commission, academic institutions and other public and private organizations as is deemed necessary. Within 12 months of the effective date of this agreement, the working group shall issue recommendations for the following species:
 - a. Pine Barrens treefrog (*Hyla andersonii*);
 - b. Corn snake (*Elaphe g. guttata*);
 - c. Northern pine snake (*Pituophis m. melanoleucus*);
 - d. Timber rattlesnake (*Crotalus horridus*);
 - e. Barred owl (*Strix varia*);
 - f. Red-headed woodpecker (*Melanerpes erythrocephalus*).

D. The Commission and the Department agree to co-host, on at least a semi-annual basis, meetings with the New Jersey Society of American Foresters


and the New Jersey Forestry Association to evaluate all aspects of the forestry program for the Pinelands Area.

- E. The Commission and the Department agree to jointly produce a sample forestry ordinance for the use of the municipalities within the Pinelands Area within four (4) months of the effective date of this agreement.
- F. The Department agrees to provide technical assistance to municipalities within the Pinelands Area which require assistance in reviewing applications for forestry activities. Such requests may be made by the municipality.
- G. On an annual basis, the Department and the Commission shall meet to review this agreement and shall recommend any actions which they may deem necessary to effectuate improvements in the review of permit applications for forestry activities in the Pinelands Area.
- H. In the event that one or both agencies proposes to amend their regulation or policies which relate to forestry activities in the Pinelands, it is agreed that the Department and the Commission shall consult with one another to determine how the amendments will affect the administration of their respective programs, and will attempt to resolve any differences prior to taking action.
- I. The Department and the Commission agree to monitor forestry activities in the Pinelands Area and inform each other of any potential activities which may not meet the standards of either or both agencies.

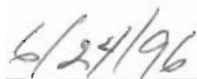
III. EFFECTIVE DATE AND DURATION

- 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



Terrence D. Moore, Executive Director
NJ Pinelands Commission



Date

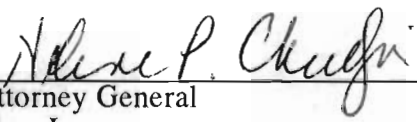


James Hall, Assistant Commissioner
NJ Department of Environmental Protection

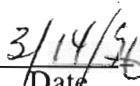


Date

Approved as to form by:



Deputy Attorney General
State of New Jersey



Date

1/30/96