

Memorandum Of Agreement
Between The New Jersey Pinelands Commission
And The New Jersey Department Of Transportation

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I. Purpose

This Memorandum of Agreement between the New Jersey Pinelands Commission (hereinafter "Commission") and the New Jersey Department of Transportation (hereinafter "NJDOT") is intended to facilitate the review of projects undertaken by the NJDOT 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 (hereinafter "Pinelands CMP") (N.J.A.C. 7:50-1 et. seq).

II. Mutual Agreements

A. The Commission and the NJDOT agree that:

- (1) the following activities will not require the filing of a formal application for the approval of the Commission:**
 - (a) 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.**
 - (b) activities normally associated with the maintenance of drainage ditches, defined as: a linear excavation below the natural ground surface that is designed and maintained to convey stormwater runoff.**

- (2) The NJDOT Engineer shall notify the Commission 15 days in advance of undertaking those activities defined in (A.1.) by providing the Commission with the following:**
 - (a) a narrative description of the proposed activity;**
 - (b) a copy of the U.S.G.S. quadrangle on which the location of the activity has been indicated.**
- (3) Within 15 days of receipt of the notice provided for in (A.2.), the Commission will notify the NJDOT Engineer if the proposed activity is consistent with the terms of this Memorandum of Agreement.**
- (4) If it has been determined by the Commission that the proposed activity does not meet the criteria established in (A.1.), the NJDOT 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.**

B. The Commission and the NJDOT agree that:

- (1) the following general classes of development will not require the filing of a formal application for the approval of the Commission:**
 - (a) the replacement-in-type of any bridge which involves less than 5000 square feet of disturbance;**
 - (b) the replacement of existing culverts meeting the following criteria:**
 - i. the area of disturbance associated with the project will not exceed 2000 square feet;**
 - ii. the culvert will be replaced with one of the same diameter or size;**
 - iii. any lengthening of the culvert will not cause the area of disturbance to exceed 2000 square feet.**

- (c) the construction of drainage structures involving:
- i. the piping of existing drainage ditches designed and maintained as stormwater conveyance structures provided that:
 - aa. the pipe will conform to the existing alignment of the ditch as much as possible; and,
 - bb. the pipe construction will not vary more than two feet horizontally from the existing limits of the ditch; and,
 - cc. the pipe invert will not extend more than six inches below the existing bottom of ditch; and,
 - dd. any pavement widening in conjunction with the pipeline shall not exceed 3000 sq. ft.
 - ii. the installation of stormwater infiltration inlets and pipes for the infiltration of runoff from existing roadway pavement, provided that the results of soil borings are submitted with an estimation of elevation of the seasonal high water table.
 - iii. extension of existing stormwater drainage systems along existing roadways provided that:
 - aa. no new discharge to wetlands or wetland buffers are proposed; and,
 - bb. where feasible, the stormwater drainage system will provide adequate infiltration volume to accommodate at least 1 1/4 inches of runoff from the paved surfaces draining to the system.
- (d) Roadway intersection improvements involving 3000 sq. ft. or less of additional paving and a disturbance of less than 5000 square feet of non-impervious surfaces.

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- (2) For all projects defined in (B.I.), the NJDOT shall submit the following information to the Commission at least 45 days prior to starting the work:**
 - (a) a narrative description of the project;**
 - (b) a U.S.G.S. quadrangle showing the location of the project;**
 - (c) a copy of the plans for the work.**

- (3) Within 30 days of receipt of the information submitted pursuant to (2), the Commission staff will advise as to whether the project complies with the Pinelands CMP.**

- (4) If any part of the project proposal is deemed to be in non-compliance with the requirements of the Pinelands CMP, the NJDOT will modify their project until the Commission staff determines that the project is consistent with the standards of the Pinelands CMP. No development may be initiated until the Commission's approval is obtained. If the NJDOT disagrees with the Pineland's decision, it may submit a formal application for approval.**

C. The NJDOT understands that:

- (1) any activity not identified in (II.A.1 or II.B.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.**

D. With regard to the cultural resources standards of the Pinelands Comprehensive Management Plan:

- (1) The NJDOT agrees to provide a list of all projects contained within their five year plan, on an annual basis.**
- (2) Within 120 days of the receipt of the five year plan, the Commission will determine if a cultural resource survey will be required for each project.**

(3) The NJDOT understands that the Commission's determination in (D.2) will be independent of the determination made in accordance with (II.B) above.

(4) The NJDOT understands that any activity requiring a cultural resource survey cannot occur until the Commission has either issued a Certificate of Appropriateness for the project or it has determined that no Certificate of Appropriateness is necessary based on the results of the cultural resource survey.


E. The Commission and the NJDOT agree to meet semi-annually to discuss the status of projects contained within the five year plan.

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.

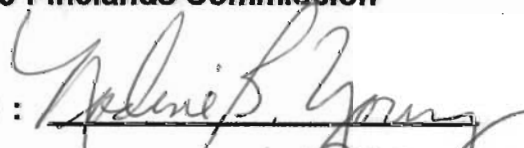
IV. Signatures




Terrence D. Moore, Exec. Director
NJ Pinelands Commission



William C. Dickinson, Reg. Exec. Dir.
NJ Department Of Transportation

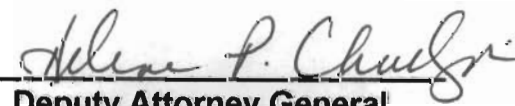
Attest : 

Date : June 4, 1993

Attest : 

Date : June 11, 1993

Approved As to Form By:



Deputy Attorney General
State Of New Jersey

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