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MEMORANDUM OF UNDERSTANDING

BETWEEN

NJ DEPT OF TRANSPORTATION

AND

NJ DEPT OF ENVIRONMENTAL PROTECTION AND ENERGY

CONCERNING

THE REMOVAL OF OBSTRUCTIONS

AT NEW JERSEY AERONAUTICAL FACILITIES

The Department of Transportation is statutorily charged with the responsibility to maintain the public safety and the safety of those participating in aeronautics. In that regard the DOT causes the removal of any obstructions which interfere with the approach and departure paths, or with operational lines of sight required at aeronautical facilities.

The Department of Environmental Protection and Energy is statutorily charged with the responsibility of protection of New Jersey's freshwater wetlands. In that regard, the DEPE requires permits for the removal, alteration or destruction of plant life which would alter the character of a freshwater wetland.

Both Departments recognize the need to accomplish the removal or alteration of certain vegetation to protect the public safety and the safety of those participating in aeronautical activities; and recognize the requirements to maintain New Jersey's freshwater wetlands. This Memorandum of Understanding is prepared to furnish a vehicle to expeditiously accomplish both of those requirements.

Department of Transportation

The Department of Transportation, Office of Aviation will periodically inspect aeronautical facilities. In addition, Airport Sponsors may have airport areas surveyed to determine if any obstructions exist. The Director of Aviation will be notified of any obstructions which are found on or around an aeronautical facility.

The Director of Aviation shall review such information to determine if these obstructions are caused by vegetation located in approach or departure paths, or by vegetation causing operational line of sight interference. If the Director of Aviation finds that to be the case, he will advise the Airport Sponsor that vegetative obstructions exist.

Department of Transportation
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The notification shall be by means of a letter, and a standard form, "Notice of Obstructions At An Aeronautical Facility", (which is attached as Exhibit A to this Memorandum). The form will include an application for a Statewide General Permit as required by the DEPE, and will include information regarding the procedure to be followed in preparing and submitting the application to DEPE.

DOT Bureau of Environmental Analysis and Office of Aviation personnel will be available to meet with DEPE staff to discuss issues which arise during the permitting process. In the event a permit is denied, these personnel will meet with DEPE staff to resolve problems in an effort to allow the removal of the obstructions.

Department of Environmental Protection & Energy

The Department of Environmental Protection & Energy will provide the standardized application form for use by the New Jersey Department of Transportation Office of Aviation or by aeronautical facility sponsors to request an authorization under Statewide General Permit No. 1, for the removal or alteration of vegetation which has been determined to be an obstruction by the New Jersey Department of Transportation Office of Aviation.

The DEPE will set the fee for such application in accordance with the Freshwater Wetlands Rules at N.J.A.C. 7:7A-16.4. A single permit will be issued for all obstructions at a specific aeronautical facility as indicated on the Office of Aviation form, "Notice of Obstructions At An Aeronautical Facility".

The General Permit will be specifically issued for obstruction removal. For the specific purpose of obstruction removal, all areas containing obstructions will be assumed to be wetlands, and a formal delineation will not be required. In addition, consistent with the provisions of Statewide General Permit No. 1, no mitigation will be required.

The Permit may include provisions, where appropriate, that: prohibit clear cutting of an area; require selective cutting or topping to enhance habitats as well as eliminate obstructions; prohibit excessive disturbance to the rest of the area being worked; allow alterations which encourage the growth of acceptable wetlands vegetation which will not become an obstruction.

Department of Environmental Protection & Energy
(continued)

The General Permit will not include any provision which would cause an unsafe condition to be created, nor will it include any provision which would in any way decrease the level of safety of the operations of the aeronautical facility.

The DEPE will expedite the review process for such applications, and will authorize a permit or render a negative decision within 60 days of receipt of the application. Because of the critical safety issues involved, the DOT Office of Aviation will be furnished a copy of any permit decision within 3 days of such action.

Within 2 weeks of any permit denial, representatives of DEPE and DOT will meet to review the matter, in an attempt to resolve disparate issues, and in some way allow removal of the obstructions. In the event that agreement cannot be reached regarding the permit denial, the applicant may proceed with an application for an Individual Permit, and/or an appeal of the General Permit denial.

Actions To Be Taken By The Airport Sponsor

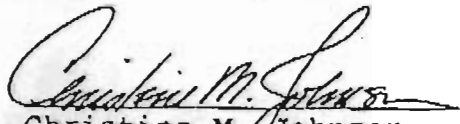
(Not a part of this agreement, shown for clarification only)


It shall be the responsibility of the Aeronautical Facility Sponsor to make application to DEPE for the necessary permit to remove or alter the obstructing vegetation, as indicated on "Notice of Obstructions At An Aeronautical Facility" form. A copy of that application is to be sent to the DOT Office of Aviation.

The Airport Sponsor is responsible for the removal of such obstructions in accordance with the provisions of the General Wetlands Permit issued by the DEPE.

The Airport Sponsor shall notify the DOT Office of Aviation when such activity has been completed, and before the permit has been terminated, to allow for an inspection to ensure all obstructions have been totally abated.

This Memorandum Of Understanding has been reached on September 17, 1992 for the respective Departments by:


Christine M. Johnson
Assistance Commissioner
State of New Jersey
Dept of Transportation


John R. Weingart
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State of New Jersey
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9/17/92