

March 16, 2010

(Public Hearing)

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

Section I. Purpose

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.52) provides that the Pinelands Commission may enter into intergovernmental Memoranda of Agreements (MOAs) to simplify Pinelands permitting and approval requirements for development undertaken by public agencies provided that any such development is undertaken consistent with the land use and environmental standards of the Pinelands Comprehensive Management Plan (CMP). The CMP currently contains a New Jersey Department of Environmental Protection/Pinelands Commission joint permitting process for forestry on private lands that are seeking enrollment in the New Jersey Forest Stewardship Program. The purpose of this MOA between the New Jersey Department of Environmental Protection (hereinafter “NJDEP”) and the New Jersey Pinelands Commission (hereinafter “Commission”) is to implement a simplified permitting processes for certain public and private forestry applications in the Pinelands Area that are undertaken consistent with the CMP forestry standards, implement a simplified permitting processes for certain other NJDEP development proposed within the Pinelands Area and to coordinate scientific research in the Pinelands Area between the Commission staff and the NJDEP staff.

Section II. NJDEP Activities Covered by this MOA

1. The following NJDEP activities are subject to this MOA:
 - a. NJDEP Comprehensive State Forest Stewardship Plans Page 2
 - b. NJDEP MOA Specified Individual Harvesting Proposals Page 3
 - c. NJDEP Review of Private Lands Forest Stewardship Plans Page 5
 - d. NJDEP MOA Specified Forest Fire Management Activities Page 7
 - e. Other NJDEP MOA Specified Activities Page 8
 - f. NJDEP Activities Not Requiring Commission Application Page 10
 - g. NJDEP Emergency Activity Provision Page 11
 - h. NJDEP/Commission Scientific Research Page 11

Section III. A. The Commission and NJDEP agree that NJDEP may seek Commission review of a Comprehensive State Forest Stewardship Plans (CSFS Plan) for any New Jersey State Park, Forest or Wildlife Management Area located in the Pinelands Area in accordance with the following:

1. NJDEP shall officially notify the Commission staff in writing of the proposed Comprehensive State Forest Stewardship Plan (CSFS Plan), provide a copy of the proposed CSFS Plan to the Commission staff and receive comments from the Commission staff on the CSFS Plan within 45 days from the date of submission of the CSFS Plan to the Commission.
2. The Commission staff shall provide the submitted CSFS Plan to the Pinelands Forestry Advisory Committee for review.
3. The Commission staff shall provide any Commission staff and/or Pinelands Forestry Advisory Committee comments to NJDEP within the 45 day timeframe specified in III. A.1., above.
4. NJDEP shall post a notice and a copy of each proposed CSFS Plan on its web site and invite public comments on the CSFS Plan for a 45 day period from provision of written notification to the Commission staff provided for in III. A.1, above.
5. NJDEP shall review any Commission staff and/or Pinelands Forestry Advisory Committee comments it receives on the proposed CSFS Plan and, if necessary, modify, revise or supplement the CSFS Plan.
6. If NJDEP determines that the proposed CSFS Plan, as may be modified, revised or supplemented in response to comments received, meets NJDEP's Forest Stewardship requirements, NJDEP forest management requirements and the standards of the CMP, including, but not limited to, the forestry standards, threatened and endangered species protection standards and the protection of historic resource standards, NJDEP shall prepare a response to public comment document and post that document on its website.
7. After posting of the response to public comment document on its website, NJDEP shall submit to the Commission staff a copy of the NJDEP approved CSFS Plan and a certification (Attachment 1) from the NJDEP, Assistant Commissioner for Natural and Historic Resources (or equivalent/higher position), certifying that the proposed CSFS Plan is consistent with the standards of the CMP, including, but not limited to, the forestry standards, threatened and endangered species protection standards and the protection of historic resource standards.
8. Upon completion of the requirements in III. A.7. above, NJDEP may undertake the forestry activities proposed in the CSFS Plan for a period of ten years.

9. If NJDEP proposes to substantively amend any CSFS Plan, NJDEP shall repeat the procedures set forth in Section III, A. 1 through 7 above, in seeking Commission staff re-review.
10. If, within two years of the date of any Commission staff comments, NJDEP does not notify the Commission staff in accordance with III.A.7. above, of NJDEP approval of the concerned CSFS Plan, if NJDEP thereafter proposes to approve the concerned CSFS Plan, NJDEP shall re-submit the CSFS Plan to the Commission staff for re-review in accordance with Section III, A. 1 through 7, above.
11. NJDEP shall maintain a list of approved CSFS Plans on its website for public information.
12. NJDEP shall issue an activity summary to the Pinelands Commission staff on or before January 31 of each year, commencing in January 2011, and every year thereafter, which specifically identifies forestry activities approved by NJDEP in a CSFS Plan that were undertaken in the Pinelands Area during the prior calendar year.
13. The Commission's staff may periodically inspect the forestry activities approved by NJDEP in any CSFS Plan. Such inspections shall be coordinated with the appropriate NJDEP site manager to ensure that, to the maximum extent practicable, a NJDEP representative is available to accompany the Commission's staff. The Commission's staff will, thereafter, advise NJDEP in writing of the results of its inspection.

III. B. The Commission and NJDEP further agree that for a five year period from the date of the last signatory to this MOA (See Section XII of MOA for limitation on five year period), while NJDEP is preparing Comprehensive Forest Stewardship Plans for New Jersey State Parks, Forests or Wildlife Management Areas located in the Pinelands Area, those NJDEP individual public harvesting proposals qualifying in accordance with III. B.1 below, shall secure a modified Commission approval:

1. Within each State Park, Forest or Wildlife Management Area, individual public harvesting proposals that qualify in accordance with Table One below, shall be subject of a modified Commission approval process:

Table One: The Maximum Total Annual Acreage in Each State Park, Forest or Wildlife Management Area That Shall Be Subject to An Individual Harvesting Proposal Under the Provisions of this MOA

Acreage of Individual State Park, Forest or Wildlife Management Area	Harvesting that does not remove greater than 50% of the basal area* on any given acre in any calendar year	Other harvest types that remove greater than 50% of the basal area* from any given acre, such as clear cuts and seed tree harvests, in any calendar year
Greater Than 10,000	200 Acres	50 Acres
5,000 to 9,999	100 Acres	25 Acres
1,500 to 4,999	50 Acres	10 Acres
Less Than 1,500	50 Acres	None

* Basal Area: The cross sectional area of a tree at 4.5 feet above the ground. Basal area is typically reported in square feet per acre. The sum of the basal area of all the trees on an acre is a measure of the density of the trees growing on the acre.

2. NJDEP shall officially notify the Commission staff in writing of the individual public harvesting proposal, provide a copy of the proposed individual harvest proposal to the Commission staff and receive comments from the Commission staff on the individual harvest proposal for a period of 45 days from the date of submission of the proposal to the Commission staff.
3. The Commission staff will provide all individual public harvesting proposals to the Pinelands Forestry Advisory Committee. The Pinelands Forestry Advisory Committee shall determine which of the provided individual public harvesting proposals they wish to review and comment on.
4. The Commission staff shall be responsible for providing any Commission staff and/or Pinelands Forestry Advisory Committee comments to NJDEP within the 45 day timeframe specified in III. B.2., above.
5. NJDEP shall review and consider any Commission staff and/or Pinelands Forestry

Advisory Committee comments it may receive on the individual public harvesting proposal specified in III. B.1., above.

6. If NJDEP determines that the individual public harvesting proposal specified in III. B.1, above, as may be modified, revised or supplemented in response to any comments it may receive meets NJDEP forest management requirements and the standards of the CMP, the NJDEP shall submit to the Commission staff a copy of the NJDEP approved individual public harvesting proposal and a certification (Attachment 1) from the Assistant Commissioner for Natural and Historic Resources (or equivalent/higher position) certifying that the individual public harvesting proposal is consistent with the standards of the CMP, including, but not limited to the forestry standards, threatened and endangered species protection standards and the protection of historic resource standards.
7. If NJDEP substantively amends an individual public harvesting proposal, NJDEP shall repeat the review procedures set forth in Section III.B. 2. through 5. above, in seeking Commission staff re-review.
8. NJDEP shall issue an activity summary to the Pinelands Commission on or before January 30 of each year, commencing in January 2011, and every year thereafter, which specifically identifies those individual public harvesting proposals that were undertaken in the prior calendar year.
9. The Commission's staff may periodically inspect any such NJDEP approved individual public harvesting proposals specified in III, B.1. above. Such inspections shall be coordinated with the appropriate NJDEP site manager to ensure that, to the maximum extent practicable, a NJDEP representative is available to accompany the Commission's staff. The Commission's staff will, thereafter, advise NJDEP in writing of the results of its inspection.

III. C The Commission and NJDEP further agree that private land applications seeking enrollment in the Forest Stewardship Program shall be reviewed and approved in accordance with the following:

1. A representative of the Commission's staff, to be designated by the Commission's Executive Director, shall serve on the State Forestry Stewardship Committee.
2. Upon NJDEP receipt of a proposed private lands Forest Stewardship Plan, NJDEP shall notify the Commission staff in writing of the proposed private lands Forest Stewardship Plan and provide a copy of the Plan to the Commission staff and accept comments from the Commission staff on the proposed private lands Forest Stewardship Plan for a period of 45 days from the date of written notification to the Commission staff.
3. The Commission staff will provide any significant private lands Forest Stewardship Plan to the Pinelands Forestry Advisory Committee for review. Generally, the

Commission staff will determine significance based upon an applicant proposing harvesting activities of 25 acres or greater, as opposed to the acreage of the parcel, over the length of the 10 year permit period. The Pinelands Forestry Advisory Committee shall determine which of the private lands Forest Stewardship Plan provided by the Commission staff they wish to review and comment on.

4. The Commission staff shall provide any staff comments and/or Pinelands Forestry Advisory Committee comments to NJDEP within the 45 day timeframe specified in III. C.2., above.
5. NJDEP shall, thereafter, review any comments it may receive from the Commission staff, the Pinelands Forestry Advisory Committee and the New Jersey Forest Stewardship Committee on the Plan.
6. If NJDEP determines that a private lands Forest Stewardship Plan, as may be modified or supplemented in response to those comments, meets NJDEP's Forest Stewardship requirements and the standards of the CMP (N.J.A.C. 7:50, Subchapter 6), a duly authorized representative of NJDEP shall prepare and submit to the Commission the certification set forth as Attachment 3.
7. Concurrent to III. C. 6, above, NJDEP shall issue a letter to the applicant and copy the Commission staff on that letter. The letter shall indicate that:
 - a. NJDEP's approval of the private lands Forest Stewardship Plan eliminates the need for an applicant to obtain a Certificate of Filing from the Pinelands Commission;
 - b. No forest management activities that require application to the Commission can occur until a municipal forestry permit has been obtained, the municipal permit has been submitted to the Pinelands Commission and the Pinelands Commission has advised the applicant in writing that the municipal approval may take effect; and
 - c. Upon Pinelands Commission issuance of a letter indicating that any submitted municipal permit may take effect, the applicant is authorized to undertake the approved forestry activities for a period of ten years.
8. If NJDEP requires the applicant to substantively modify or revise a private lands Forest Stewardship Plan under review or an approved private lands Forest Stewardship Plan, NJDEP shall repeat the review procedures set forth in Section III. C. 2- 6, above.
9. If NJDEP does not approve a proposed private lands Forest Stewardship Plan within two years of the notice to the Commission pursuant to Section III.C. 2., above, upon the applicant's reactivation of such a plan, the proposed plan or modified plan shall be re-submitted to the Commission staff for review in accordance with Section III.C.

2 through 5, above.

10. NJDEP shall make available one copy of each of its inspection reports to the Commission on an annual basis.

SECTION IV The Commission and NJDEP further agree that NJDEP may undertake the following forest fire management activities on any public or private lands in the Pinelands Area provided they are undertaken consistent with all standards of the CMP, including, but not limited to, the forestry, threatened and endangered species protection and the protection of historic resources standards:

1. NJDEP may undertake the following forest fire management activities without application or notification to the Pinelands Commission:
 - a. Prescribed Burning
 - b. Creation of plowed or disked firelines maintained to bare mineral soil, provided that the width of any such line does not exceed 8 feet.
2. For those forest fire management firebreaks and fuelbreaks identified in IV. 2.a-.c below, NJDEP shall be subject to the modified Commission approval process identified in IV. 3-8 below:
 - a. Establishment of Forest Fire Firebreaks

Areas completely cleared of trees and understory vegetation maintained to a height of less than three feet along the edge of existing roads (e.g. paved, sand, gravel) provided that the width of such clearing does not exceed 20 feet beyond each existing edge of the cleared road or cleared road shoulder.
 - b. Establishment of Forest Fire Fuelbreaks Adjacent to Existing Developed Areas

Areas in which trees are selectively thinned to reduce the existing canopy cover by an average of 50% to achieve an adequate spacing of canopy trees so that the crowns do not touch and understory is thinned to minimize fuel laddering adjacent to existing, settlements of homes and/or businesses, provided that the total width of the fuelbreak does not exceed 200 feet.
 - c. Forest Fire Fuelbreaks Along Roads for Strategic Firefighting Preparedness

Areas in which trees are selectively thinned to reduce the existing canopy cover by an average of 50% to achieve an adequate spacing of canopy trees so that the crowns do not touch and understory is thinned to minimize a fuel laddering along existing roads (e.g. paved, sand, gravel) provided that the width of the fuelbreak does not exceed 100 feet beyond both shoulders of the cleared road or cleared

road shoulder or 200 feet beyond any one side of the existing cleared road or cleared road shoulder.

3. NJDEP shall provide notice to the Commission staff of any proposed forest fire management firebreaks or fuelbreaks as identified in IV.2. a-c above. Notice shall include a written description of the proposed forest fire management activity.
4. For any forest fire management activity listed in IV. 2. a-c above, NJDEP shall provide the Commission staff with a 45 day period to comment from Commission staff receipt of notification.
5. NJDEP shall review any comments it may receive from the Commission staff on the proposed forest fire management activity and, if necessary, modify, revise or supplement the proposed forest fire management.
6. If NJDEP determines that the proposed forest fire management activity meets NJDEP requirements, NJDEP shall submit to the Commission a final copy of the NJDEP approved forest fire management activity and a certification (Attachment 2) from the Assistant Commissioner for Natural and Historic Resources (or equivalent/higher position) certifying that the proposed forest fire management firebreak or fuelbreak is consistent with the standards of the CMP, including, but not limited to threatened and endangered species protection standards and the protection of historic resource standards.
7. Upon completion of the requirements in IV.3 through 6 above, NJDEP may undertake the approved creation of forest fire management firebreaks and fuelbreaks for a period of ten years
8. If NJDEP proposes to substantively amend the proposed forest fire management activity that was subject of Commission staff review in accordance with IV. 3 through 6 above, NJDEP shall follow the procedures set forth in Section IV. 3 through 6 above, in seeking Commission staff re-review.
9. The Commission's staff may periodically inspect the forest fire management activity approved by NJDEP. Such inspections shall be coordinated with the appropriate NJDEP site manager to ensure that, to the maximum extent practicable, a NJDEP representative is available to accompany the Commission's staff. The Commission's staff will, thereafter, advise NJDEP in writing of the results of its inspection.

Section V. The Commission and NJDEP further agree that for the NJDEP development identified in V. 1 a-d below, NJDEP shall secure a modified Commission approval:

1. The NJDEP development specified in V.1.a-d below, shall be subject of a modified Commission approval:

- a. Field clearing for wildlife habitat management (e.g. game birds, threatened and endangered species management) provided
 - i. The total acreage for such activity in any one State Park, Forest or Wildlife Management Area of at least 1,500 acres does not exceed 10 acres in any one calendar year, and
 - ii. Pinelands native vegetation necessary to maintain native Pinelands forest types is utilize for any proposed re-vegetation, and
 - iii. Only those soil amendments necessary for initial planting purposes are utilized and any such soil amendments will not degrade Pinelands surface or groundwater quality.
 - b. Additions to, or facilities accessory to, existing principal public uses (e.g. buildings, parking areas), provided that the proposed addition or facility is located within an existing development area and any proposed new disturbance does not exceed 5,000 sq. ft.
 - c. New parking areas, driveways and vehicle pull offs, provided and any proposed new disturbance does not exceed 5,000 sq. ft.
 - d. Demolition of structures 50 years old or older provided any such structure is less than 500 square feet.
2. NJDEP shall officially notify the Commission staff in writing of any proposed development activity specified in V.1.a-d. above, provide a description of the proposed development activity to the Commission staff and receive comments from the Commission staff on the proposed development activity for a period of 45 days from the date of notification to the Commission staff.
 3. NJDEP shall review any comments it may receive from the Commission staff on the proposed development activity.
 4. If NJDEP determines that the proposed development activity, as may be modified, revised or supplemented in response to any Commission staff comments it may receive meets NJDEP requirements and the standards of the CMP, the NJDEP Division Director of Parks and Forestry or Fish and Wildlife (or equivalent/higher position) shall certify in writing to the Commission that the proposed development activity complies with the standards of the CMP, including, but not limited to, the wetlands protection, threatened and endangered plants and animals and historic resources. Upon making that certification in writing to the Commission staff, NJDEP may undertake the proposed development activity for a period of ten years.
 5. If, in response to Commission staff comments, NJDEP substantively amends a proposed development activity, NJDEP shall repeat the procedures set forth in

Section V. 2. through 4, above.

6. NJDEP shall issue an activity summary to the Pinelands Commission on or before January 30 of each year, commencing in January 2011, and every year thereafter, which specifically identifies those development activities approved in accordance with V. 2 through 4 above, that were undertaken in the prior calendar year.
7. The Commission's staff may periodically inspect any such NJDEP approved development activity. Such inspections shall be coordinated with the appropriate NJDEP site manager to ensure that, to the maximum extent practicable, a NJDEP representative is available to accompany the Commission's staff. The Commission's staff will, thereafter, advise NJDEP in writing of the results of its inspection.

Section VI. The Commission and NJDEP further agree that the following NJDEP activities undertaken in any New Jersey State Park, Forest or Wildlife Management Area located in the Pinelands Area do not require application to the Commission provided they are undertaken consistent with all standards of the CMP, including, but not limited to, forestry, threatened and endangered species protection and the protection of historic resources:

1. Tree harvesting provided that no more than one cord of wood (average of twenty 8 inch diameter at breast height (dbh) trees per acre) is harvested on any one acre in any given calendar year.
2. Tree planting provided that only those tree species that maintain native Pinelands forest types are planted and no soil disturbance occurs, other than that caused by the planting activity.
3. Forest stand improvement (FSI) designed to selectively thin trees and brush, provided that the average tree diameter in the stand proposed for thinning does not exceed 6 inches, not more than 33% of the basal area of the stand is cut, no wood product subject of the FSI is removed from the parcel, no clearing or soil disturbance occurs and that the total land area in any calendar year in each State Park, Forest or Wildlife Management Area subject of the activity does not exceed 50 acres.
4. Site preparation of existing non-forested areas.
5. The development or expansion of improved and unimproved walking trails, including boardwalks, provided the total width (existing and proposed widening and existing and proposed clearing) of any such trail or boardwalk does not exceed 10 feet and the proposed new disturbance does not exceed 5,000 square feet.
6. The installation of traffic safety improvements, specifically excluding road improvements, but including such activities as guard/guide rails, traffic lights, street lights and equipment boxes provided any proposed new disturbance does not exceed 5,000 square feet.

7. The installation of miscellaneous equipment boxes instruments, pole mounted equipment, scientific devices and similar structures provided any proposed new disturbance does not exceed 5,000 square feet.
8. The maintenance and repair of existing public facilities, including roads, parking areas, mowing and brush hogging of areas historically maintained subject of such maintenance (provided tree sapling subject to mowing/brush hogging are a diameter at breast height of 2 inches or less) do not require application to, or approval by, the Pinelands Commission.
9. The use of soil borrow pits existing as of 1979 to provide fill for road and park maintenance provided the total surface area excavation from any one existing borrow pit does not exceed one-half acre in any one calendar year, no area of excavation shall occur greater than 10 feet below existing natural grade as determined by adjacent non-disturbed grade and the maximum surface area of any borrow pit shall not exceed 5 acres in surface area. Upon completion of excavation, any such soil borrow pit shall be restored in accordance with the resource extraction reclamation standards of the CMP (N.J.A.C. 7:50: 6.69 (a) 9).

VII. NJDEP Emergency Provision

1. The CMP (N.J.A.C. 7:50-4.5) provides that in any case where the Commission's Executive Director determines that immediate action is necessary to address a condition that is dangerous to life, health or safety, the Commission Executive Director may, after consultation with the Chairman of the Pinelands Commission, authorize whatever action is required to prevent danger to life, health or safety.
2. If the NJDEP, Assistant Commissioner for Natural and Historic Resources believes that any forestry or other development on any State Park, Forest or Wildlife Management Area is necessary to address a condition that is dangerous to life, health or safety, the Assistant Commissioner shall advise the Commission's Executive Director of this fact in writing.
3. If the Commission's Executive Director concurs with the assessment of the NJDEP, Assistant Commissioner for Natural and Historic Resources, the Commission's Executive Director, after consultation with the Chairperson of the Commission, shall authorize the NJDEP to undertake the forestry or other development necessary to prevent danger to life, health or safety.
4. NJDEP agrees that any necessary application to the Commission for an activity authorized in accordance with V.3. above, shall be completed and any necessary approval by the Commission shall be obtained, both in a timely manner.

Section VIII. Scientific Research

The Commission and NJDEP further agree that the Commission is authorized to undertake scientific collection and conduct research activities on state parks and forests and wildlife management areas within the Pinelands Area in accordance with the following:

1. For any necessary Fish and Wildlife scientific collection, threatened and endangered species or holding permits, the Commission staff shall secure the necessary NJDEP approval.
2. For scientific research activities (e.g. groundwater monitoring well) requiring either a Fish and Wildlife “Special Event Permit” (7:25-2.22) or a Parks and Forestry “Special Use Permit” permit, the Commission staff shall submit to NJDEP, by letter, a summary of any such activity.
3. The submitted summary shall include the scientific purpose of the proposed activities, the specific activities to be undertaken, the locations and the names of the researchers.
4. Within 45 days of receipt of the Commission staff’s written summary of the of the scientific research activities requiring a Fish and Wildlife “Special Event Permit” (7:25-2.22) or a Parks and Forestry “Special Use Permit” permit, NJDEP shall provide a written approval or denial. If NJDEP does not respond in writing within 45 days of the notification provided in accordance with VIII 2. above, the applied for Fish and Wildlife “Special Event Permit” (7:25-2.22) and/or Parks and Forestry “Special Use Permit” permit shall be considered approved by NJDEP.
5. If NJDEP denies either the Fish and Wildlife “Special Event Permit” (7:25-2.22) and/or Parks and Forestry “Special Use Permit” permit, NJDEP shall specify in that denial the basis for the denial of the scientific research activities and what modifications are required for NJDEP to approve the requested permit.
6. If NJDEP denies either the Fish and Wildlife “Special Event Permit” (7:25-2.22) and/or Parks and Forestry “Special Use Permit” permit, the Commission staff may modify the proposed activity to address the basis for NJDEP denial of the scientific research activities and resubmit the proposed activity to NJDEP for further NJDEP consideration in accordance with Section VIII. 2-5 above.
7. Any Fish and Wildlife “Special Event Permit” (7:25-2.22) or Parks and Forestry “Special Use Permit” permit, issued by NJDEP for Commission staff scientific research activities under the provisions of this MOA in the Pinelands Area shall be good for five years.
8. The Commission and NJDEP shall coordinate research activities that relate to the

regeneration of Atlantic White Cedar, habitat for threatened and endangered plants and animals and the ecological results of silvicultural practices in accordance with the forestry standards of the CMP (N.J.A.C. 7:50-6.47).

Section IX. Development that is not expressly covered by the provisions of this MOA shall not be subject to the provisions of this MOA.

1. For any development not expressly covered by this MOA, NJDEP shall follow the application and approval procedures of the CMP, prior to undertaking any such development.
2. Any development not covered by this MOA shall remain subject to Commission Application fees.
3. For any proposed NJDEP public forestry application not subject to this MOA, the Commission staff shall accept a certification (See Attachment "1") from the Assistant Commissioner for Natural and Historic Resources certifying that the proposed forestry activity is consistent with the threatened and endangered species protection standards of the CMP.

Section X. This MOA and any subsequent amendments shall take effect upon:

1. Following the conclusion of the Governor's review period and/or approval of the Pinelands Commission meeting minutes authorizing entry of this MOA, in accordance with N.J.S.A. 13:18A-5(h);
2. Upon approval and signature of the authorized representative of the Commission and NJDEP; and.
3. Upon execution of an Agreement between NJDEP and the Pinelands Commission to share and use data on threatened and endangered plants.

Section XI. This MOA shall supersede and replace the following MOA's:

1. November 1988 MOA between the NJDEP's Division of Fish and Wildlife and the Commission,
2. October 1995 MOA between the NJDEP's Division of Parks and Forestry and the Commission
3. May 1997 and June 1999 MOA between NJDEP and the Commission

Section XII. This MOA shall remain in effect for a five year period from the date of last signature to the MOA. The MOA, except for Section III. B., may be extended by written consent of both Parties.

Section XIII. If either Party believes that the other Party is not abiding by the terms of this MOA, the following progressive steps to resolve any such problem shall be taken:

1. The concerned Party shall contact the other Party and discuss the alleged instance(s) of not abiding by the terms of the MOA.
2. If such discussion does not resolve the alleged instance(s) of not abiding by the terms of the MOA, the concerned Party shall request a meeting with the other Party to discuss the problem
3. If neither a discussion nor a meeting resolves the problem, the concerned Party shall write the other Party indicating that any further alleged instances of not abiding by the terms of the MOA shall result in a request to suspend the MOA in accordance with Section XIII. 4. below.
4. The MOA, or portions thereof, may be suspended through written notice by the Assistant Commissioner for Natural and Historic Resources to the Commission or by written notice of the Pinelands Commission Executive Director to the NJDEP. Any such suspension shall be for a period of 60 days while the Parties work to rectify the problems.
5. The MOA may be terminated at the end of the 60 day suspension period by either Party. Such termination shall take effect immediately upon written notice.

Section XIV. Signatures

John C. Stokes, Executive Director
New Jersey Pinelands Commission

Date

New Jersey Department of Environmental Protection

Date

Approved as to form by:

Deputy Attorney General
State of New Jersey

Date

ATTACHMENT 1

**-NJDEP CERTIFICATION OF PINELANDS COMPLIANCE-
COMPREHENSIVE FOREST STEWARDHIP MANAGEMENT PLAN FOR
STATE PARKS, FORESTS AND WILDLIFE MANAGEMENT AREAS IN THE
PINELANDS AREA**

OR

**-NJDEP CERTIFICATION OF PINELANDS COMPLIANCE-
INDIVIDUAL PUBLIC FORESTRY PROPOSAL FOR STATE PARKS,
FORESTS AND WILDLIFE MANAGEMENT AREAS IN THE PINELANDS
AREA**

TITLE OF PLAN: _____

DATE OF PLAN: _____

PROPERTY IDENTIFICATION: _____

CHECK EACH BOX

All forestry activities proposed in this Comprehensive Forest Stewardship Plan (CFSP) (Plan) shall maintain Pinelands native forest types, as defined in the Pinelands Comprehensive Management Plan (specifically the standards of N.J.A.C.7:50-6.43). For example, an existing oak-pine stand will continue to be predominantly an oak-pine stand after a proposed forestry activity.

(Check only if applicable) A permissible exception to the standard requiring the maintenance of native forest types, including those which are locally characteristic, exists because the affected stand(s) are not native forest types.

Based upon known sitings or existing habitat, The Endangered and Non-Game Species Program has identified the following threatened or endangered animal species as either on or proximate, or likely on or proximate, to this parcel:

After review, The Endangered and Non-Game Species Program has determined that the activities proposed in this CFSP will not result in irreversible adverse impacts on habitats that are critical to the survival of local populations of those animal species identified

above provided any conditions proposed in the CFSP to protect those species are adhered to.

Based upon known sitings or existing habitat, The Office of Natural Lands Management has identified the following threatened or endangered plant species as either on or proximate, or likely on or proximate, to this parcel:

After review, The Office of Natural Lands Management has determined that the activities proposed in this CFSP will not result in irreversible adverse impacts on the survival of any local populations of those plant species identified above provided any conditions proposed in the CFSP to protect those species are adhered to.

The Historic Preservation Office has determined that no historic or prehistoric resources that are listed in or eligible for listing in the State or National Registers of Historic Places or that have been designated by the Pinelands Commission pursuant to N.J.A.C. 7:50-6.154 will be impacted by any activities proposed in this CFSP or, if they will, the treatment standards of N.J.A.C. 7:50-6.156 have been met.

All activities proposed in this CFSP that involve the conversion of one type of wetland to another type of wetland comply with the wetlands management standards of N.J.A.C. 7:50-6.10.

All other activities proposed in this CFSP complies with the silvicultural standards of N.J.A.C. 7:50-6.46.

The activities proposed in this CFSP comply with the special standards of N.J.A.C. 7:50-6.47 regarding the management of state lands, specifically that existing stands of Atlantic white cedar are being conserved and that other exemplary forest stands are also being conserved.

BASED UPON THE ABOVE FINDINGS, I CERTIFY THAT THIS CFSP CONFORMS TO ALL OF THE ENVIRONMENTAL REQUIREMENTS (N.J.A.C. 7:50-6) OF THE PINELANDS COMPREHENSIVE MANAGEMENT PLAN.

(Signature)

(Date)

Assistant Commissioner
Natural and Historic Resources
(or equivalent/higher position)

3/16/10

ATTACHMENT 2

**-CERTIFICATION OF PINELANDS COMPLIANCE-
FOREST FIRE MANAGEMENT ACTIVITY FOR PRIVATE AND PUBLIC
LANDS IN THE PINELANDS AREA**

TITLE OF PLAN: _____

DATE OF PLAN: _____

PROPERTY IDENTIFICATION: _____

CHECK EACH BOX

Based upon known sitings or existing habitat, The Endangered and Non-Game Species Program has identified the following threatened or endangered animal species as either on or proximate, or likely on or proximate, to this parcel:

After review, The Endangered and Non-Game Species Program but has determined that the activities proposed in this CFSP will not result in irreversible adverse impacts on habitats that are critical to the survival of local populations of those animal species listed above provided any conditions proposed in the CFSP to protect those species are adhered to.

Based upon known sitings or existing habitat, The Office of Natural Lands Management has identified the following threatened or endangered plant species as either on or proximate, or likely on or proximate, to this parcel:

After review, The Office of Natural Lands Management has determined that the activities proposed in this CFSP will not result in irreversible adverse impacts on the survival of any local populations of those plant species identified above provided any conditions proposed in the CFSP to protect those species are adhered to.

The Historic Preservation Office has determined that no historic or prehistoric resources that are listed in or eligible for listing in the State or National Registers of Historic Places or that have been designated by the Pinelands Commission pursuant to N.J.A.C. 7:50-6.154 will be impacted by the proposed forest fire management activity

or, if they will, the treatment standards of N.J.A.C. 7:50-6.156 have been met.

Any proposed forest fire management activity that involve the conversion of one type of wetland to another type of wetland comply with the wetlands management standards of N.J.A.C. 7:50-6.10.

All other forest fire management activities proposed in this Plan comply with the silvicultural standards of N.J.A.C. 7:50-6.46.

BASED UPON THE ABOVE FINDINGS, I CERTIFY THAT THE PROPOSED FOREST FIRE MANAGEMENT ACTIVITY CONFORMS TO ALL OF THE ENVIRONMENTAL REQUIREMENTS (N.J.A.C. 7:50-6) OF THE PINELANDS COMPREHENSIVE MANAGEMENT PLAN.

(Signature)

(Date)

Assistant Commissioner
Natural and Historic Resources
(or equivalent/higher position)

ATTACHMENT 3

**-NJDEP CERTIFICATION OF PINELANDS COMPLIANCE-
PRIVATE LANDS NEW JERSEY FOREST STEWARDSHIP APPLICATIONS**

TITLE OF PLAN: _____

DATE OF PLAN: _____

PROPERTY IDENTIFICATION: _____

CHECK EACH BOX

All forestry activities proposed in this private lands New Jersey Forest Stewardship Plan shall maintain Pinelands native forest types, as defined in the Pinelands Comprehensive Management Plan (specifically the standards of N.J.A.C.7:50-6.43). For example, an existing oak-pine stand will continue to be a predominantly oak-pine stand after a proposed forestry activity.

(Check only if applicable) A permissible exception to the standard requiring the maintenance of native forest types, including those which are locally characteristic, exists because the affected stand(s) are not native forest types.

Based upon known sitings or existing habitat, The Endangered and Non-Game Species Program has identified the following threatened or endangered animal species as either on or proximate, or likely on or proximate, to this parcel:

After review, The Endangered and Non-Game Species Program but has determined that the activities proposed in this CFSP will not result in irreversible adverse impacts on habitats that are critical to the survival of local populations of those animal species listed above provided the conditions proposed in the CFSP to protect those species are adhered to.

Based upon known sitings or existing habitat, The Office of Natural Lands Management has identified the following threatened or endangered plant species as either on or proximate, or likely on or proximate, to this parcel:

After review, The Office of Natural Lands Management has determined that the activities proposed in this CFSP will not result in irreversible adverse impacts on the survival of any local populations of those plant species listed above provided any conditions proposed in the CFSP to protect those species are adhered to.

The Historic Preservation Office has determined that no historic or prehistoric resources that are listed in or eligible for listing in the State or National Registers of Historic Places or that have been designated by the Pinelands Commission pursuant to N.J.A.C. 7:50-6.154 will be impacted by any activities proposed in this private lands New Jersey Forest Stewardship Plan or, if they will, the treatment standards of N.J.A.C. 7:50-6.156 have been met.

All activities proposed in this private lands New Jersey Forest Stewardship Plan that involve the conversion of one type of wetland to another type of wetland comply with the wetlands management standards of N.J.A.C. 7:50-6.10.

All other activities proposed in this private lands New Jersey Forest Stewardship Plan comply with the silvicultural standards of N.J.A.C. 7:50-6.46.

**BASED UPON THE ABOVE FINDINGS, I CERTIFY THAT THIS PLAN
CONFORMS TO ALL OF THE ENVIRONMENTAL REQUIREMENTS (N.J.A.C.
7:50-6) OF THE PINELANDS COMPREHENSIVE MANAGEMENT PLAN.**

(Signature)

(Date)

Assistant Commissioner
Natural and Historic Resources
(or equivalent/higher position)

