LOCAL OPERATING PROCEDURE
BETWEEN
THE PINELANDS COMMISSION
AND
THE UNITED STATES ARMY CORPS OF ENGINEERS, PHILADELPHIA DISTRICT

1. Purpose: The purpose of this agreement is to establish procedures to minimize
to the maximum extent practical, duplication regarding the delineation of Federal
and State regulated waters and wetlands located within the Pinelands Area

2. Applicability/Authority: Federal and State regulated waters and wetlands
within the New Jersey Pinelands Area (see attached map).
   b. Lands under the jurisdiction of the Pinelands Commission within the New
      Jersey Pinelands Area pursuant to the Pinelands Protection Act (N.J.S.A. 13:18A-1
      et seq.).

3. Procedure:
   a. Upon the effective date of this agreement, the Pinelands Commission will
      be the lead agency with respect to the verification of delineations of waters and
      wetlands within the geographic boundaries of the New Jersey Pineland Area.
      Requests/inquiries regarding these delineations received by the U.S. Army Corps
      of Engineers will be forwarded to the Pinelands Commission. The applicant will
      be advised of his/her need to apply to the Pinelands Commission for the
      verification of the delineation.

   b. Delineations verified by the Pinelands Commission will be accepted by the
      U.S. Army Corps of Engineers as accurate delineations of Federally regulated
      waters and wetlands within the geographic boundaries of the New Jersey Pinelands
      Area except as provided in c below.

   c. If there is an unusual circumstance concerning a jurisdictional
determination, the parties to this agreement retain authority to independently
   or jointly establish their respective jurisdictional boundaries. The parties may
   also request from each other copies of any technical information used in the
   establishment of the waters and wetlands.

   d. The Pinelands Commission and the Corps of Engineers both utilize
      methodologies that examine vegetation, hydrology, and soils to verify or
      establish wetland delineations. Each agency will utilize its own methodology and
      regulations in determining wetland boundaries.

   e. This agreement does not pertain to the delineations of waters and wetlands
      concerning enforcement actions (permitless discharges). All parties to this
      agreement retain authority to independently establish jurisdictional boundaries
      under these circumstances.

   f. Nationwide permit requests received by the U.S. Army Corps of Engineers
      will be reviewed for the proposal’s applicability for authorization under the
      nationwide permit program. That determination will be conveyed to the applicant
      in writing. In accordance with paragraphs a and b above, requests for the
      verification or delineation of waters and wetlands received in conjunction with
      nationwide permit requests will be forwarded to the Pinelands Commission. The
      applicant will be advised of his/her need to have the wetland line established
      in the field prior to requesting that the Pinelands Commission verify the
delineation.
g. After completing the verification of waters and wetlands, the Pinelands Commission will request a survey of the wetland delineation. The Pinelands Commission will verify and confirm the accuracy of that survey in writing to the applicant. The Pinelands Commission will include in their confirmation letter a statement that the Corps of Engineers accepts the jurisdictional delineation verified by the Pinelands Commission.

h. Upon verification of the survey of the delineation of waters and wetlands, the Pinelands Commission will provide the U.S. Army Corps of Engineers with the following:

1. One copy of the confirmation letter;

2. A description of the title block, of the survey which describes the limits of the regulated waters and wetlands on the property;

3. A copy of the final, approved survey of the limits of the regulated waters and wetlands on the property;

4. One copy of the technical information submitted by the applicant used in establishing the boundaries of waters and wetlands.

4. This agreement does not limit the authority of the Pinelands Commission as established by the Pinelands Protection Act (N.J.S.A. 13:18A-1 et seq.) and the New Jersey Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-1.1 et seq.).

5. This agreement will be effective on the date of the final signature below and will continue until modified or revoked by agreement of all parties or until revoked by any party alone upon written notice.

Frank J. Ciapfrani
Chief, Regulatory Branch
U.S. Army Corps of Engineers
Philadelphia District

Date

William F. Harrison, esq.
Acting Executive Director
Pinelands Commission

Date

Approved as to form only by:

Deputy Attorney General
State of New Jersey

Attachment