

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.) that were adopted by the Commission on February 9, 1996 and that became effective May 20, 1996.

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 State Forestry Stewardship Coordinating Committee shall establish a Pinelands Stewardship 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 Forest Stewardship Plan for a parcel located in the Pinelands Area, the Regional Forester shall forward a copy of the Forest Stewardship Plan to the technical subcommittee established pursuant to II.A.1.

3. All Forest Stewardship Plans (hereinafter "plan") shall contain the following information:
 - i. A title page on which appears the following:
 - a. The signature of the Plan preparer;
 - b. A stewardship pledge signed by the landowner which states the following: "As a forest landowner I believe the right to own land also carries the responsibility for stewardship of the natural resources in my care. I have read the attached ten year Forest Stewardship Plan and agree to implement it to the best of my ability.";
 - c. The name, address and phone number of the owner and preparer of the plan;
 - d. The tax block(s), lot(s) and municipality of the parcel; and
 - e. The 10 year period the plan covers;
 - f. The date the plan was prepared and any revision dates..
 - ii. A general description of the landowner's long range goals and 10 year stewardship objectives. The long range goals may or may not be different than the 10 year stewardship objectives.
 - iii. An overview of the parcel including general location, forest cover types, general landforms, relevant description of landscape and management history. The applicant is to describe the method used in delineating the property boundary lines. If some property boundary lines are not to be delineated, they are still to be described and a rationale for not delineating the boundary lines must be provided. All property boundaries in the vicinity of activities for the 10 year plan period must be delineated in some manner.
 - iv. A discussion of any known threatened and endangered species and cultural resources. The applicant is to contact, obtain and include in the plan a response letter from the below listed individuals:
 - a. For assistance with cultural resources, the applicant is to forward to the Pinelands Commission staff a copy of a portion of a USGS or comparable map. The boundaries of the overall parcel proposed for forestry are to be marked on the map.
 - b. The applicant is to contact the N.J. Forest Service for a search of the Office of Natural Lands Management's Natural Heritage database for threatened and endangered species. (In

limited instances the Commission staff may have records/reports of threatened or endangered species not reflected on the Natural Heritage database. The Commission staff will use the map submitted for the cultural resource information noted in II.A.3.iv.a. to verify that Commission records do not reflect the presence of any threatened and endangered species nor reported on the Natural Heritage database.)

If the information provided from the Natural Heritage database or the Commission's records identify a threatened or endangered animal species on or in the immediate vicinity of the parcel that will be potentially impacted by the forestry activity, the applicant is to contact the N.J. Division of Fish, Game and Wildlife for assistance.

If the information provided from the Natural Heritage database or the Commission's records identify a threatened or endangered plant species on or in the immediate vicinity of the parcel that will be potentially impacted by the forestry activity, the applicant is to contact the N.J. Forest Service for assistance.

- c. The applicant is to contact the U.S. Fish and Wildlife Service, for a list of any Federally protected species potentially affected by the proposed forestry activity. Alternatively, the applicant may provide a written statement in the Forest Stewardship Plan that the federal list of threatened or endangered species, most recent dated May 1996 and periodically updated, provided by county and municipality does not identify any federally protected threatened or endangered species in the municipality in which the forestry activity is proposed.

- v. A description of each stand which includes:
 - a. Stand identification keyed to the map requested in II.A.3.v.b;
 - b. Vegetative cover type;
 - c. Size class (sapling, poletimber, sawtimber, etc.)
 - d. Size of stand in acres;
 - e. Soil characteristics and erodability;
 - f. The management recommendations (practices and activities) for the stand. The management recommendations must be consistent with the landowners long range goals for the

- parcel; and
- g. A short discussion of the specific effects of such management recommendations, as applicable on the soil and water, wildlife, recreation/aesthetic, timber resources, cultural resources and threatened and endangered species.
 - vi. A ten year activity schedule which summarizes all forestry practices and activities proposed by the applicant during the 10 year period covered by the plan. In the activity schedule, the applicant must provide practice acreages and quantities identified by location (stand number). The applicant must also approximate the year within the 10 year time frame that all recommended actions are to take place.
 - vii. A statement indicating that all forestry activities are consistent with the guidelines provided in the N.J.Forestry and Wetlands Best Management Practices Manual developed by the Department and dated October 1995. If a silvicultural activity or the normal harvesting of forest products in freshwater wetlands is prescribed in the plan during the ten year period, the applicant must request the regional forester to review the practice or harvesting plan and obtain a letter of approval from him/her prior to undertaking any work in the freshwater wetlands.
 - viii. A map or aerial photograph, not larger than 1" = 400' or smaller than 1" = 1320', showing the parcel with stands delineated and uniquely labeled. The map must delineate existing and proposed access roads.
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 determine 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 Forest 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 Regional Forester on behalf of the State Forestry Stewardship Coordinating Committee technical subcommittee will 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 propped 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 Forest 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, except for those forestry activities specified in N.J.A.C. 7:50-4.1(a)16 and 17.
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 those forestry activities in the Pinelands Area for which an application for the Forest Stewardship Program is made in accordance with II.A., the Office of Natural Lands Management shall provide to applicants, at the request of the New Jersey Forest Service, a list of any threatened or endangered plant or animal species on or in the vicinity of a proposed forestry activity found in the Natural Heritage database.
 2. For all forestry activities in the Pinelands Area for which an application for the Forest Stewardship Program is made in accordance with II.A, the N.J. Forest Service will assist the applicant in determining if the forestry activity will have an impact upon any threatened or endangered plant species located on or in the vicinity of the location of the proposed forestry activity. If there is a threatened or endangered animal species on or in the vicinity of the location of the proposed forestry activity, the N.J. Division of Fish, Game & Wildlife will assist the applicant in determining 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 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 limited 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

 5/22/97
Terrence D. Moore, Executive Director Date
NJ Pinelands Commission

 5/16/97
James Hall, Assistant Commissioner Date
NJ Department of Environmental Protection

Approved as to form by:

 7/8/97
Deputy Attorney General Date
State of New Jersey

5/13/97