



# Process for an Intergovernmental Memorandum of Agreement

February 24, 2023

# Memoranda of Agreement

The CMP authorizes the Commission to enter into MOAs with public entities for two purposes:

- To establish streamlined permitting procedures
- To authorize deviations from CMP standards, provided measures are included to ensure equivalent protection of Pinelands resources

# History of MOAs

- The Commission has entered into 23 new or amended MOAs since 2002
  - 13 permit streamlining MOAs
  - 10 deviation MOAs
    - the majority dealt with the expansion of existing public facilities
    - Offsetting measures resulted in permanent protection of 9,740 acres in the Pinelands Area

# Process for Consideration of an MOA

- Originally developed in 2008, an expanded 13-step process was established in 2016 by the Commission's MOA Policy Advisory Committee
- The process applies to all proposed MOAs that authorize deviations from CMP standards
- MOAs may only be executed between the Commission and other public agencies

# Process for Consideration of an MOA: Recommended Changes

Step 1. Commission staff meets with the public agency to discuss a proposed development plan. If all CMP standards cannot be met, staff may identify appropriate options for the agency's consideration, including:

- modification or relocation of the project
- a waiver of strict compliance
- an MOA

# Process for Consideration of an MOA: Recommended Changes

Step 2. The Executive Director and Commission Chair meet with the public agency to discuss the proposed development project and the process and potential for an MOA.

Step 3. The public agency submits a written proposal to the Executive Director

- Conceptual site plan, public purpose, project partners and financing, offsetting measures

# Process for Consideration of an MOA: Recommended Changes

Step 4. The Executive Director advises the public agency of the need for any additional information

Step 5. The public agency briefs the P&I Committee on its proposal

Step 6. The P&I Committee makes a recommendation as to whether the Commission should consider entering into the proposed MOA

# Process for Consideration of an MOA: Recommended Changes

## Step 7.

- The Executive Director briefs the full Commission at its next meeting on the public agency's proposal and the P&I Committee's recommendation.
- The Commission determines whether to authorize the staff to move forward with the administrative process and draft an MOA. If yes, the Commission provides a schedule for development and consideration of the MOA.



## Process for Consideration of an MOA: Recommended Changes

Step 8. The Executive Director assigns appropriate staff member(s) to work with the public agency and determines the need for any escrow payments. Staff prepares a draft MOA and shares/discusses it with the public agency.

Step 9. Staff consults with and briefs the P&I Committee on the draft MOA.

# Process for Consideration of an MOA: Recommended Changes

Step 10. Staff conducts a public hearing on the MOA and prepares a report and recommendation.

Step 11. Staff reviews the MOA, report and recommendation with the P&I Committee.

Step 12. The P&I Committee makes a recommendation to the full Commission.

Step 13. The Commission considers the resolution at its next meeting.

# Questions?

