

LOCAL OPERATING PROCEDURE
BETWEEN
THE PINELANDS COMMISSION
AND
THE U.S. ARMY CORPS OF ENGINEERS, PHILADELPHIA DISTRICT

1. Purpose: The purpose of this agreement is to establish procedures to minimize, to the maximum extent practicable, duplication regarding the delineation of Federal and State regulated waters and wetlands located within the New Jersey Pinelands Area (N.J.S.A. 13:18A-11 et seq.).

2. Applicability/Authority: Federal and State regulated waters and wetlands within the New Jersey Pinelands Area (see attached map).

a. Section 404 of the Clean Water Act

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 Pinelands Area. Requests/inquiries regarding these delineations received by the 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 boundaries of waters and wetlands.

d. The Pinelands Commission and the Corps of Engineers both utilize methodologies that examine vegetation, soils and hydrology 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 terminate one year from the date on which the last party signs it unless it is renewed through mutual agreement or sooner modified by agreement of the parties.

6. This agreement may be terminated by either party by providing notice of termination to the other party sixty days prior to termination.



G. William Quinby
Lieutenant Colonel, Corps of Engineers
District Engineer




Terrence D. Moore
Executive Director
Pinelands Commission

18 August 1989
Date

8 September, 1989
Date

Approved as to form only by:


Deputy Attorney General
State of New Jersey

Attachment