

Received 3/13/79

Pinelands



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DANIEL J. O'HERN, COMMISSIONER
P. O. BOX 1390
TRENTON, N.J. 08625
609-292-2885

FEB 23 1979

MEMORANDUM

TO: Governor Byrne
FROM: Commissioner O'Hern

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do A*

I am writing to recommend a moratorium review process to implement the requirements of Executive Order 71.

Until the Pinelands Planning Commission is organized to fulfill the duties called for in the Executive Order, we propose that you establish a Development Review Board comprised of one high level official from each of the Departments of Community Affairs, Environmental Protection and Agriculture, to hear all requests for exemptions under terms of the Order. The Review Board would ensure consistency in the review process and avoid duplication of effort among departments. We propose that all actions covered by this Order be submitted to this Board for consideration of exemption prior to having a permit application considered by any State agency. We are prepared to commit ourselves to a twenty-one day turnaround time for this entire process.

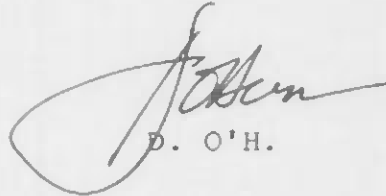
I will immediately make available the necessary staff to serve the Review Board. I have the personal assurances of Secretary Alampi and Commissioner LeFante that they will also make staff available for this effort. The staff will be comprised of experienced people reassigned from other programs for as long as necessary. The staff will be housed in a field office in Toms River with back-up in the Trenton offices. We can begin operation on February 26.

In keeping with your desire for a regulatory diet, the staff and process will keep the paper work to a minimum. The process that we envision would have as the first step submission of an application to the Development Review Board staff for consideration of an exemption. A staff recommendation would be forwarded to the Development Review Board for final decision on the exemption. Appeals from the Development Review Board decisions would be made to a board comprised of the Commissioners of Community Affairs, Environmental Protection and Agriculture. All applicants for permits would be required to certify exemption by the Development Review Board for consideration by the individual department's normal permit process.

In order to ensure that the Development Review Board can obtain accurate and swift responses from other departments on matters pertaining to their permits and hardship criteria, I recommend that you request each department to identify and assign a staff person to be available to the Review Board staff for application review purposes on an as-needed basis. Utilizing staff in this manner, the Review Board can then advise both the applicants and the departments of the impact of the permit requests on the natural resources of the Pinelands.

The Pinelands Development Review Board would meet weekly in the Department of Agriculture Conference Room to act on applications. This process would remain in effect until the Pinelands Planning Commission takes over the review function.

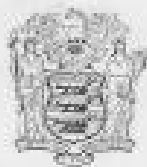
I further recommend that you send the attached letter to all Cabinet members explaining the process and their role in it.



D. O'H.

Attachment

cc: Attorney General Degnan
Counsel Pollock
Secretary Alampi
Commissioner LeFante



STATE OF NEW JERSEY
OFFICE OF THE GOVERNOR
TRENTON
08625

BRENDAN T. BYRNE
GOVERNOR

February 22, 1979

MEMORANDUM

TO: All Cabinet Members
FROM: Governor Brendan Byrne
SUBJECT: PINELANDS EXECUTIVE ORDER NO. 71

In order to achieve the objectives set forth in Executive Order No. 71 signed into effect February 8, 1979 I have directed Commissioners O'Hern, Alampi and LeFante to initiate the following action:

1. Until the Pinelands Planning Commission is prepared to manage the provisions of the moratorium set forth in Executive Order No. 71, a Pinelands Development Review Board consisting of representatives of the Departments of Environmental Protection, Community Affairs and Agriculture will hear and act on all requests for exemptions. The Board will meet weekly in the Department of Agriculture Conference Room.
2. Staff to the Board will be provided by the Departments of Environmental Protection, Community Affairs and Agriculture and will be housed in a field service office in the Pine Barrens with back-up in Trenton offices.
3. Each Department shall appoint and make available on an as-needed basis, to the review board and its staff, a staff person familiar with the permits, grants, licenses or certifications under its jurisdiction as they affect development and construction in the Pinelands.
4. Since the largest number of permits involve the Department of Environmental Protection, I am requesting DEP to be the lead agency to carry out this effort.

For further clarification please contact Sean Reilly, Pinelands Coordinator in Commissioner O'Hern's office, (2-2886).