

1:30 PM Senate Budget Committee Hearing on Governor's Proposed FY 2006 DEP Budget  
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 Fast track was covered from 39 to 45 minutes into almost 2 hour hearing

Lance (40:17): Do you expect, Commissioner, that the moratorium and executive order will be extended?

Campbell (40:30): I can't really speak to that issue and I think there are a number of developments that may transpire before we reach that decision point. One is Governor Codey has expressed his interest in working with the legislature on a bill to reform the law. I think there's a recognition because of the haste of the passage that a number of areas are appropriate for reform. I certainly support the Governor in that effort. Secondly **I think we will get in the coming months guidance from EPA concerning the potential impact of the law on federal programs on how that should shape any decisions regarding implementation** and I think once we get that information in hand the need and appropriateness of any extension of the executive order would appropriately be considered at that time although I'm not currently expecting that to occur.

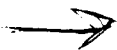
Thursday, May 5, 2005

10 AM Assembly Budget Committee Hearing on Governor's Proposed FY 2006 DEP Budget  
 Archived at: [http://www.njleg.state.nj.us/media/archive\\_audio2.asp?KEY=ABUB&SESSION=2004](http://www.njleg.state.nj.us/media/archive_audio2.asp?KEY=ABUB&SESSION=2004)  
 Fast track was most of the last 10-15 minutes of the 2 hour and 4 minute hearing

Blee (1:53:57): Could you give us an update on the Office of Smart Growth and exactly where that office is at at this time?

Campbell: We've established the office with really the minimal staffing that would be needed to develop rules for the program. When the executive order suspending implementation of the program at least until July went into effect, the Treasurer (and I think appropriately so) limited our ability to continue hiring but the difficulty of course is that, if that program were to be implemented, you would really need staff to process permits on day one and we haven't been in a position to hire any staff and I also think you have to recognize that the appropriations, such as it is in the current fiscal year, isn't an appropriation of funds from the general fund it's an appropriation of anticipated receipts. Since the program isn't operating currently, there are no fast track permits being processed or even submitted, there are no receipts for the program, so for that reason with an abundance of prudence the Treasurer decided that we ought to go slow before proceeding with additional hiring sensitive to some of the concerns about staffing levels raised earlier. **I think in the coming weeks we will receive guidance from EPA about what constraints federal law and federal programs impose.** There may be some areas where some programs where the law can't be implemented without jeopardizing our federal delegation and the law is explicit in not implementing in a way that would imperil those delegations so once we have that guidance I think we'll be able to have a clear path whether and to what extent implementation should move forward and I will keep committee apprised as that happens.

Blee (1:56:11): I guess we can assume months or maybe even a year before the agency's really up and running?



Ca: I think that in July the executive order runs out and we're obliged by the terms of the executive order to promulgate rules so my expectation would be that, not that it would be a year before it's up and running but, that any initial implementation would be in a sense incremental it would start with the easier programs and move on from there.

Blee: I guess because of the funding mechanism that you are describing today, are we going to need to frontload some money to get it up and running almost like seed money?

Campbell: To date we've been able to work with the Treasurer to ensure that the positions that are necessary for the program are funded so as we've gone through a shift from a rapid implementation to suspension by the executive order and as we move back into implementation of a program I think we have a commitment from the Treasurer that the resources that are provided in the Governor's proposed budget will be available so that the program can be implemented in accordance with the law

Blee: Our staff has advised me that when the program is up and running you expect to have 165 in that division. Is that true?

Campbell: That's the estimate in the budget book, yes. Obviously that number is subject to change if EPA says certain programs can't be implemented that number could go down

Blee: How many of those spots have been filed at this time?

Campbell: 12, mostly the head of the program, the people who are needed to write the initial rules and setup the information technologies' infrastructure we need to try to do as much of it as possible electronically.

Blee: And then incrementally those positions would be filled as the program's up and running?

Campbell: Right, exactly!

Blee: Over the long haul how do you envision the department working? Maybe I'll just give you a couple loaded questions. Obviously we've spoken many, many times about my frustration with growth and development because of the Pinelands Commission and if there's one theme that seems to reoccur whether it was during the Highlands legislation which I supported or since with implementation it's always we don't want to make the same mistakes we made in the Pinelands. As we move forward, do you expect the Office of Smart Growth to play a large role statewide or is it going to be more Highlands oriented?

Campbell (1:59:13): Oh no, it's statewide and in fact one of the reform proposals that Governor Codey has endorsed is that the Highlands is not an appropriate area for implementation of fast track if a legislative reform package goes forward. I think even the bill's original sponsors have recognized that. I think the relative importance of the program will depend on a number of factors. One is the extent to which the legislature maintains it or changes it. There's been a lively debate about reform of the fast track law. I'm not quite sure, I'm not the best predictor of legislative outcomes, but I suspect that debate will continue because frankly it was a process in which not enough voices were heard, there was not enough technical input, and there are aspects of implementation that are problematic, in some cases highly so. The second factor is where the USEPA weighs in. Some of the things that may be problematic if we implement may be the very areas where EPA suggests we shouldn't implement the law or where they have to have prior approval. To the extent EPA requires prior approval in any given area as they did in the Freshwater Wetlands Act, it could be many years, I think approval of the implementation of the Freshwater Wetlands Act took roughly on the order of 5 years from absolute start to finish. So that's a second factor. I think the overall effort to identify ways in which to streamline the process and accelerate permitting in areas that are appropriate for growth will continue regardless of the particulars of fast track implementation. Our priority is to ensure that however the model moves forward that it's done in a way that protects and ensures that environmental resources, environmental protection is not compromised, public participation is not compromised, and given some ambiguities in the law I think there's some legitimate concerns about those issues and legitimate need to address some of those issues legislatively (2:01:40)

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