

CENTRAL PINE BARRENS INCIDENT INVESTIGATION PROTOCOL

Version of 11/17/04 and 9/19/07 adopted by the Commission.



Introduction

Experience demonstrates that there are two principal categories of incident reports that are received by the Central Pine Barrens Commission and its sister agencies: land use complaints and miscellaneous incidents. This protocol provides for a single “Central Pine Barrens Incident Report Form” which captures and tracks reports from both categories. That form is attached and is hereby made a part of this protocol.

Part 1: Initial Receipt of Complaints and Reports

Peter A. Scully
Chair

The townships of Brookhaven, Riverhead, and Southampton, and the incorporated villages of Westhampton Beach and Quogue (located within the Town of Southampton boundaries) shall have the first responsibility to receive and investigate land use complaints and reports (which they have legal authority to handle) arising within their jurisdictions.

Philip J.
Cardinale
Member

Complaints and incident reports that are not made to the township or incorporated village where the incident occurred but are instead received by another governmental entity shall be immediately referred to the appropriate town or village agency or department for initial handling.

Brian X. Foley
Member

Patrick A.
Heaney
Member

Currently, the other governmental entities that are likely to receive such complaints and incident reports include, but are not necessarily limited to, the Central Pine Barrens Commission (Commission) the New York State Attorney General (NYSAG), the NYS Department of Environmental Conservation (DEC), the Suffolk County Department of Parks, Recreation, and Conservation (SC Parks), the Suffolk County Park Police (SCPP), the Suffolk County District Attorney’s Office (SCDA), or the SCDA’s Environmental Crimes Unit (ECU).

Steve A. Levy
Member

Part 2: Initial Notification to the Commission

All public entities investigating land use complaints within the Central Pine Barrens should immediately notify the Commission via the Central Pine Barrens Incident Report Form (see below) of the complaint which they received. This will enable the Commission to better monitor such reports in the event that

there is Commission jurisdiction in addition to other agencies' jurisdiction. Those same entities should notify the Commission as soon as possible of their initial findings. This will enable the Commission to properly classify, and eventually close out, all active or open Central Pine Barrens Incident Report Forms.

The Commission will maintain a record of all reported land use complaints and general incidents within the Central Pine Barrens. The Commission's Compliance and Enforcement (CAE) Coordinator will receive all Central Pine Barrens Incident Reports. Each report will be given a "central complaint", or "cc" number for the Commission's records and tracking purposes which will be assigned only by the CAE Coordinator. The Commission also recognizes that each agency maintains separate and independent tracking and numbering systems.

Part 3: Decision by the Town or Village

The town or village has 60 days from their receipt of a complaint or incident report (whether it is received directly from a complainant or it is referred from another governmental entity) to decide if it will initiate an enforcement action, and the town or village will then notify the Commission of its decision. In addition, the town or village receiving an incident report directly from a complainant is encourage to promptly forward a copy of the report to the Commission's CAE Coordinator.

Should the town or village decide that it will not, or can not, handle the complaint, incident or documented offense itself, it may either request that the Commission investigate or prosecute the offense or refer the complaint to the NYSAG for follow-up investigation and subsequent prosecution as necessary.

If the town or village fails to act or decide on their course of action after 60 days from their receipt of the complaint, the Commission may independently prosecute the offense or refer the complaint to the NYSAG for follow-up investigation and subsequent prosecution as necessary.

Part 4: Coordination with the Town or Village by Other Entities

Enforcement actions handled by the Commission, or by the NYSAG for the Commission, should be coordinated with the respective town or village attorney's office as per Article 57 of the ECL, and should be prosecuted as an offense of Article 57 of the ECL.

Part 5: Independent Authorities of Cooperating Governmental Entities

The aforementioned townships, incorporated villages, the Commission, and the NYSAG

all have independent authority to investigate and prosecute land use plan offenses; however, consultation and coordination among these entities should occur before initiating enforcement actions. There are both civil and criminal penalties for land use plan offenses in both the core and compatible growth areas in the state pine barrens law (ECL 57), with fines payable to the township or incorporated village where the offense occurred. The Commission's CAE Coordinator will serve as the Commission's primary point of contact for this interagency coordination.

Part 6: Pine Barrens Land Use Complaint Form

The attached Central Pine Barrens Incident Report Form is hereby incorporated into this protocol

The Incident Report Form shall be amended from time to time by mutual agreement of the cooperating agencies as the need arises. The form is intended to provide a consistent but concise baseline of information for all initial reports, as well as to encourage the cooperating entities to collect the information required for prompt, efficient investigation and resolution of the complaints.

Efficient response, in turn, can prevent further damage to the natural resources of the Central Pine Barrens in the case of a valid, ongoing complaint or incident.