



Appendix D
Executive Director's Report
August 21, 1998

State of New Jersey

THE PINELANDS COMMISSION

PO Box 7
NEW LISBON NJ 08064

(609) 894-9342

CHRISTINE TODD WHITMAN
Governor

June 24, 1998

Warren O. Stilwell, Esq.
9615 Ventnor Avenue, Third Floor
P.O. Box 3426
Margate, NJ 08402

Dear Mr. Stilwell:

During the course of our review of the proposed "Comprehensive Plan for Wireless Communications Facilities in the Pinelands," two policy-related issues have arisen. Both of these may have a bearing on Director Moore's recommendation to the Pinelands Commission; thus, we are seeking clarification from the companies as to their position on these matters. You may provide this prior to or at the upcoming public hearing.

The first matter relates to final siting decisions for cellular facilities and their relationship to the proposed Plan. Although the Plan's map illustrates approximate locations for facilities and the narrative describes the area (i.e., unrestricted, height restricted or height and least number of structures restricted) and the municipality in which each is to be located, the Plan also refers to a five mile radius in which either existing structures or potential sites for new towers may exist. We wish to confirm with you our view that the Plan contemplates siting each facility at the approximate location shown on the map and described in the text. The reference to the five mile radius seems, at most, to be a fail-safe mechanism which may come into play only if it is infeasible to site a proposed facility at the approximate location identified in the Plan. Therefore, it is our view that, if a company needs to look beyond the approximate location identified in the Plan because feasible structures/sites don't exist there, the company will look within an area (defined on the basis of technical considerations and needed service) with a radius of up to five miles for suitable structures/sites in the least restricted areas first and the most restricted areas last. This would result, in accordance with Pinelands regulations, in a siting preference which, consistent with the purpose and need for the proposed facility, begins with sites outside the Pinelands, proceeds to "unrestricted" Pinelands areas next, "restricted height" areas third and "restricted height and least number" areas last.

The second matter relates to statements contained in the first paragraph of page one of the Plan Introduction and in the last paragraph of page one of the Code Compliance section. We

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and an International Biosphere Reserve

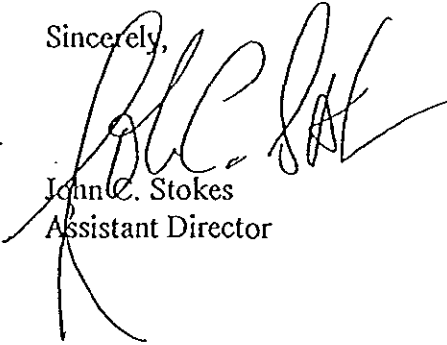
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believe these statements, which describe the companies' view of how Pinelands regulations operate after a plan is approved, to be inconsistent with the regulations. However, it appears that the companies are merely advising the Commission of their position and, at this time, are not asking for the Commission's endorsement and approval of that position. Please advise us whether that is the case and, if so, that the companies understand that Commission approval of the Plan is not an endorsement of the companies' position and, further, that a final decision by the Commission as to what requires an amendment to the Plan will be made if and when an activity not expressly covered by the Plan is proposed.

Thank you for your attention to these matters.

Sincerely,

A handwritten signature in black ink, appearing to read "John C. Stokes". The signature is written in a cursive style with a large, sweeping initial "J".

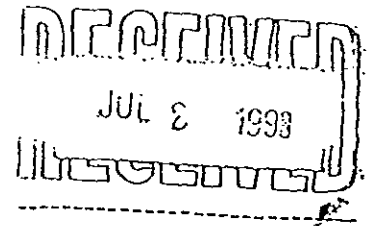
John C. Stokes
Assistant Director

kw/P10A

c: Mr. Moore
Mr. Gross
Ms. Haynes
Mr. Liggett

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WARREN O. STILWELL
MICHAEL C. LEARN



July 1, 1998

VIA FEDERAL EXPRESS

Mr. John C. Stokes, Assistant Director
New Jersey Pinelands Commission
15 Springfield Road
New Lisbon, New Jersey 08064

Re: Comprehensive Plan for Wireless Communications Facilities by the Cellular Providers

Dear Mr. Stokes:

I am writing this letter to formally respond on behalf of the Cellular Providers ("CP's") to your letter of June 24, 1998. First, the CP's have been asked to confirm that the Comprehensive Plan for Wireless Communications Facilities (the "Plan"), contemplates siting each facility at the approximate location shown on the map and described in the text. Further, that if it is infeasible to locate at the approximate location, then the CP's will "look within an area (defined on the basis of technical considerations and needed service) within a radius of up to five miles for suitable structures/sites in the least restricted areas first and the most restricted areas last". I can and do hereby confirm that our understanding on the stated issue is consistent with yours.

Second, the CP's have been asked to advise if the Plan is merely advising the Commission and Staff that certain statements made in the first paragraph of page one of the Plan Introduction and in the last paragraph of page one of the Code Compliance section are the position of the CP's and that they are not asking for Commission endorsement of this position at this time. By this letter, the CP's are confirming this understanding. Also in this regard, we are confirming that a final decision by the Commission as to what requires an amendment to the Plan will be made if and when an activity not expressly covered by the Plan is proposed.

WARREN O. STILWELL

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July 1, 1998

If you have any questions relative to the above, please advise.

Very truly yours,

A handwritten signature in cursive script that reads "Warren O. Stilwell". The signature is written in black ink and is positioned above the typed name.

WARREN O. STILWELL

WOS/mls

cc: H. Hemmer
C. Schultz
G. Czura
M. Gross
V. Haynes
L. Liggett