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Enviros Call on Governor to Conditionally Veto the Permit Extension Act

Today more than thirty leading New Jersey environmental groups called on Governor Corzine to conditionally veto the Permit Extension Act, a bill that automatically extends all land use permits and approvals for two years and brings back to life permits and approvals that have expired over the past eighteen months. “The Permit Extension Act is one of the worst environmental bills ever passed by the New Jersey legislators and one of the biggest giveaways to developers in the state’s history,” **said Jeff Tittel, Director of the New Jersey Sierra Club.** “While the bill was amended to remove some of the most outrageous provisions, it is still seriously flawed and undermines good planning and environmental protection.”

The groups asked the governor to fix the following issues in the bill:

- Eliminate the Dracula Clause, which would bring back approvals and permits that have already expired in violation of the right to due process guaranteed by the U.S. Constitution. Many of the projects that have lapsed and would now be brought back to life include some of the worst proposals in New Jersey, including Cherokee in Camden, Encap, and dumping dredge spoils in Palmyra Cove Nature Center. This provision would have tremendous environmental impacts.
- Provide for good planning, especially in redevelopment areas where communities have changed their zoning to promote appropriate redevelopment, such as transit villages and affordable housing, as well as in communities that have amended their Master Plans and zoning ordinances. In the past eighteen months cities like Newark and Jersey Cities, as well as many towns such as Bernardsville, have worked to redo their Master Plans and zoning. This bill would thwart those actions.
- Exempt Planning Area 4, which is the state’s prime agricultural land and necessary to maintaining a vibrant agricultural economy.
- Exempt the Global Warming Response Act and other important standards that are being set to help New Jersey reduce greenhouse gas emissions and transition to a clean energy economy. The bill in its current form would exempt many new developments from meeting more stringent energy efficiency and green buildings standards for homes or commercial buildings.
- Clarify the extremely open-ended definition of “approval” by deleting the last nine lines of the definition.

“In the midst of presidential politics, Governor Corzine has to govern New Jersey, including deciding the fate of the Permit Extension Act. Within two weeks, he will decide whether or not to undermine core environmental and public health protections, good planning and the constitution,” **commented Dave Pringle, Campaign Director of the New Jersey Environmental Federation.** “Despite assertions to the contrary, developers aren’t motivated

here by the public interest of economic stimulus, which this bill won't provide anyway, but rather by a special interest – further lining their already well-lined wallets.”

“Sacrificing the environment for economics is a false choice that ends up hurting the economy, not improving it,” **added Mike Pisauo of New Jersey Environmental Lobby.** “The Permit Extension Act sacrifices the environment without providing any immediate economic help to those who need it. Government needs to protect our natural resources so that we have a healthy environment to live in and the economy has the natural resources it needs to develop and grow. The Permit Extension Act is not the answer.”

The groups also released a letter sent by Eastern Environmental Law Center to the governor earlier this summer that highlights possible constitutional issues raised by the bill. According to attorneys Richard Webster, Esq., and Julia LeMense, Esq., the bill violates separation of powers, as the legislative branch is interfering with the executive branch on permit decisions. In addition, it violates due process by reviving permits and approvals without public notice, public participation, or governmental action, denying property owners the right to hearings on projects that directly affect their property and environmental quality in their communities.

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Attachments: Letter to Governor from Environmental Groups
Letter to Governor from Eastern Environmental Law Center