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Over 60 Groups Urge Gov. Murphy to Pause Dangerous Permits & Projects until COVID Health Crisis Ended

Groups Urge Executive Order to Ensure Meaningful Public Participation Incredibly April Toll Hike 'Public' Hearings Still On

Trenton – EmpowerNJ, representing more than 60 signatory organizations around the state, including labor, faith, environmental and community organizations, released a copy of its letter (http://empowernewjersey.com/wp-content/uploads/2020/03/Empower_NJ_Covid_letter_3-27-2020.pdf) to Governor Murphy urging the Administration to pause pending proceedings and actions with respect to approving applications and permits for all major development projects where public participation is allowed, including fossil fuel infrastructure expansion, until the unprecedented COVID-19 health emergency has ended and the public can once again participate in government decision-making. There cannot be meaningful public participation when the public is being told to shelter in place.

“Governor Murphy, you have taken bold and unprecedented actions to protect our communities from COVID 19 and to curtail community spread of the virus with one important and inexplicable exception: public participation in government hearings and decision-making. We are calling on you to pause pending permits and projects that usually afford public participation processes until after the COVID-19 health emergency has ended and full public access can be restored,” **reads the letter.**

Without action from the Governor, agencies like the NJ Turnpike and the South Jersey Transportation Authorities have moved forward with public hearings and permit decision timelines despite the pandemic. There cannot be a fair, thorough and inclusive public process during a public health emergency that restricts the public’s ability to participate. Many of the projects currently moving forward pose serious public health, environmental and economic risks and impacts that will persist for decades.

“Some governmental actions are undermining the public’s right to participate in government decision-making on consequential projects, policies, and regulations. While residents are practicing social distancing, self-isolation or quarantine, and many are out of work and making personal sacrifices for themselves and their families, the government continues making decisions business as usual that will have impacts on our communities and the environment well after the COVID 19 crisis ends,” **reads the letter.**

Government buildings are currently closed and providing records to the public via the time prescribed by OPRA (Open Public Records Act) has been lengthened based on recent legislation (A3849) signed into law by the Governor. There are numerous other projects, including fossil fuel infrastructure and local contentious development projects, that are impacted. For example (see attached addendum for details):

- **NESE Frack Gas Pipeline:** April 3rd public comment deadline, no public hearing scheduled;
- **NJ Turnpike Authority & SJTA Highway Widening & Toll Hikes:** Public hearings for the Turnpike Authority were held on March 18 & SJTA has scheduled hearings for April 1 & 2;
- **NJ TRANSIT:** Frack gas power plant moving forward, renewable alternative stalled;
- **Environmental Permitting:** DEP land use and water quality, DRBC LNG hearing;
- **Controversial Local Development Projects:** The Jandl Warehouse, White Township, Warren County; Sewell Tract, Cape May; etc.; and
- **DCA Guidance to Towns:** Some municipalities are advancing planning board applications and other development while only limited government functions are supposed to occur.

“There is very serious concern that towns will move ahead with major developments and zone changes that could have statewide implications on the environment, flooding, and even public health. If local government does online municipal council, zoning and planning board meetings, it will not allow for a give and take with experts being questioned or witnesses being cross-examined, and it will severely limit the dialogue with the public. We believe that these meetings must be postponed during the public health emergency unless they are dealing with COVID 19 or public safety issues. These are quasi-judicial or legislative decisions that could have long-term consequences,” **reads the letter.**

Meaningful public participation requires the trifecta of in-person hearings, full access to government records and full support systems. Merely replacing public participation with electronic comment submission or video access to proceedings is not a substitute for live hearings where people can testify and interact. Many people simply don't have access to computers or smart phones and an in-person hearing is their only way to testify, even in the best of times. During this uncertain and stressful health emergency, it is wholly unjust to expect residents to take part when they may not have the technology at home, records access is limited, and families are literally facing personal life and death issues. This is not a time for developers or agencies to “game the system” by pushing through projects without full transparency and public input. The letter was signed by more than 60 organizations across the state representing hundreds of thousands of members, and the organizations are listed below. The letter ends:

“EMPOWER NJ considers the public's right to participate in government decision-making to be paramount at all times. We recognize that some projects like the proposed Williams NESE pipeline and compressor station are subject to permitting timelines under federal law, and these timelines need to be accounted for by an executive action. With the exception of true health-related emergency actions during the COVID 19 emergency, decisions made by the government regarding permits and projects that include a public participation component must be put on hold until meaningful and freely accessible public input can once again be included,” **the letter finishes.**

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Addendum

MASSIVE HIGHWAY EXPANSION WITH ‘PUBLIC’ HEARINGS DESPITE SHELTER IN PLACE: On March 18, after the Governor issued a state of emergency, the NJ Turnpike Authority

unconscionably held an in-person public hearing on their plans for a massive expansion of the NJ Turnpike and Garden State Parkway. Incredibly, the South Jersey Transportation Authority plans the same for the Atlantic City Expressway on April 1st (no April Fool's) and April 2 after the Governor strengthened his order to shelter in place. Their proposed highway expansion would add hundreds of thousands of new cars onto our roads, increasing toxic air pollution and climate-disrupting greenhouse gases for many decades to come. The \$24 billion capital plan stands in stark contrast to the failing infrastructure of NJ Transit, which has taken a body blow during the COVID-19 pandemic because of declining fare revenue. These hearings are clear violations of the social distancing policies in place under NJ's state of emergency and put attendees' health at risk.

NESE FRACK GAS PLANT: MOVING FORWARD: APRIL 3 COMMENT DEADLINE. We believe DEP should extend the comment period for Williams Transco's Northeast Supply Enhancement (NESE) project. People are in the middle of dealing with the coronavirus and helping their families. The NESE project, which includes the compressor station and pipeline, is a dangerous, damaging and unnecessary project that would pollute our waterways, increase greenhouse gases and jeopardize public safety. The project would cause irreparable harm to our environment and dredge up pollution from the Raritan Bay all the way to Long Island. April 6th is not enough time for the public to comment; we believe it should be extended until at least after the health emergency is over.

NJ TRANSIT: UNABLE TO ADVANCE CLEAN ENERGY PROJECTS BUT FOSSIL PLANT MOVING FORWARD. NJ Transit has said that because of the coronavirus emergency they cannot engage in discussions or plans to utilize renewable energy technologies/storage for their NJTRANSITGRID power plant. This includes refusing to look at pre-identified locations for solar panels and not even providing guidance as to how renewable energy providers can register as bidders for this contract. At the same time, when asked if they had halted work on their plans for a frack gas plant, they failed to respond. The virus emergency has made it much more difficult for the public to voice its demands for a renewable energy alternative to the leadership and working level management at NJ Transit. We cannot present at board meetings and cannot ask NJ Transit for meetings to address our requests. We call upon Governor Murphy to enact an executive order halting all NJ Transit work on its frack gas power plant and to instruct NJ Transit to fully investigate renewable energy alternatives as thoroughly as it investigated the gas power plant solution.

DCA GUIDANCE TO TOWNS: Public Law 2020 (A3850/S2294), signed into law by the Governor to allow public bodies to conduct meetings electronically, limits action "to the extent practicable" to public business necessary for the continuing operation of government and matters related to the emergency. But this is being interpreted by some towns to allow the advancement and approval of planning board applications and other development. This should not be allowed while the public is handicapped, limiting public input; relatedly, the clock should stop ticking on these and other approvals that fall under rules that receive automatic approval if they are not acted on within a limited amount of time.

STATE PERMITS ALL IN: LAND USE AND WATER QUALITY PERMITS. There are currently numerous applications of land use permits in front of DEP that will have direct impacts on water quality, flooding, and open space. Some of these permits include Wetlands, Stream Encroachment, Flood Hazard, CAFRA and others that are open for review by the public. There needs to be an open and transparent process and ability for the public to comment. However, the public cannot access these due to OPRA, either because DEP are not able to get the documents or because of delays. This will bring the timelines of many of these permits beyond their decision date, which in some cases would mean permits would be granted automatically because of tolling and Deemer Clauses.

Just as important, there are dozens of Water Quality Plan Amendments that are out for public comment. For example, the proposed Haberman Hampton project is a 333-unit housing development in Hampton, NJ that has applied for a Sewer Service Area on a C1 River that is also Wild and Scenic - the Musconetcong River. This is an area where the discharge of sewage could

have direct impacts on the River and public health. There is also a Water Quality Plan Amendment in the Borough of Oakland with a public hearing scheduled for April 6th.

CONTROVERSIAL LOCAL DEVELOPMENT PROJECTS: Throughout New Jersey, there are currently dozens of projects in front of local planning boards that would have detrimental impacts on water quality, greenhouse gas emissions and more if approved. For example, there is a massive Jaindl Land Co. warehouse that has been proposed on environmentally sensitive farmland in White Township, and a similar project in Franklin Township in Hunterdon County. The Sewell Tract in Cape May is a housing development on environmentally sensitive wetlands that is currently in front of the planning board and also in front of DEP. We are concerned that planning boards will continue to move forward with projects like these at a time when the public cannot participate in what is a quasi-judicial process. These projects could be approved without public participation because there is a tolling. If they are not dealt with by the planning board by a certain time, they are automatically approved unless the applicant agrees to it. We are also concerned that town councils could also be approving zone changes, rezonings and overlay zones without proper public input or hearings.

LIST OF GROUPS

350NJ-Rockland
Already Devalued.. Homeowners of Parsippany
BlueWaveNJ*
Bus for Progress
Central Jersey Environmental Defenders
Clean Ocean Action
Clean Water Action*
ClimateMama
Coalition Against Pilgrim Pipeline - NJ
Coalition for Peace Action
Coalition to Ban Unsafe Oil Trains
Don't Gas the Meadowlands*
Delaware Riverkeeper Network*
Displaced Homemakers Network of NJ, Inc. Eco-Poetry.org
Environment New Jersey*
Food & Water Watch*
Franciscan Response to Fossil Fuels
Franklin Womens' Club
Gloucester County Food & Water Watch
Green Party of Monmouth County NJ
Green Party of NJ
Hackensack Riverkeeper
Hudson County Progressive Alliance
Hudson County Sierra Club Group
Indivisible Cranbury
NJ & NY Awareness Project for Climate Justice
NJ Sierra Club*
NJ Tenants Organization
NJ State Industrial Union Council
NJ Student Sustainability Coalition
North Jersey Green Alliance

North Jersey Sierra Club
Northern New Jersey NOW
Our Revolution - Bergen Cty - Hillsdale, NJ
Our Revolution Essex County
Our Revolution Monmouth County
Our Revolution New Jersey
Our Revolution Ocean County
Our Revolution Passaic County
People Demanding Action NJ
People Over Pipelines
People's Climate Collective
Pinelands Preservation Alliance
Possible Planet
Roseland Against Compressor Station (RACS)
Rutgers AAUP-AFT
SOMA Action
Sunrise Jersey Shore
Sunrise Montclair
Sunrise Movement Morris County
Surfrider Foundation
Teaneck Peace Vigil
The Climate Mobilization
The Climate Mobilization - Hoboken Chapter
The Resistance Cafe
The Wei LLC
UU Faith Action NJ-Environmental Justice Task Force
Waterspirit
Westfield 20/20

*** Denotes Empower NJ Steering Committee member**