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Environmental groups complain of being outnumbered by 'special interests' at DEP meetings

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By Seth Augenstein/The Star-Ledger

TRENTON — The calendar has been rather full for the state Department of Environmental Protection in recent months.

A check of the agency's ledger since February shows a dizzying schedule of talks with business leaders, local officials, landowners and environmental activists as part of its stakeholder sessions. The topics have ranged from flood hazard areas to air quality permits, coastal zone management to state land leases, stormwater regulations to endangered plant species and beyond.

But the parties involved in the discussions are divided on the motivation behind the meetings.

The DEP says it is trying to streamline bureaucracy and the "red tape" that Gov. Chris Christie has railed against since taking office last year, while trying to "survive" severe staffing cuts as part of a self-described transformation.

Environmentalists counter it's simply a hard push by the administration to erode environmental protections for the state's air, water and land and rush the process of change.

"They're just rolling these out, one after the other, and we can't keep up," said Sandy Batty, executive director of the Association of New Jersey Environmental Commissions. "We're all small-staffed groups."

A group of 13 key environmental groups sent a formal complaint to DEP Commissioner Bob Martin last month. Their litany of grievances included being outnumbered by what they call "special interests" at the meetings, and not being heard at their turn at the podium.

Last week, the activists had a follow-up meeting with Irene Kropp, deputy commissioner of the DEP, to discuss their requests for a pause in the process and more discussions.

Kropp on Tuesday said the agency must change the way it does business because it is in a fight for its fundamental "survival." The DEP staff has plummeted from 4,000 a few years ago to 2,877 — and the agency is trying to preserve its core mission with fewer hands and more legislation to contend with every week.

"We're making business decisions," Kropp said. "You have to manage your resources."

The stakeholder process is a way to ensure the agency can keep providing environmental protections with what staff it has, she said. Environmentalists argue, however, that there's a

concerted plan to roll back protections.

"They know exactly what they're going to do — they just hide it behind the 'stakeholder process,' " said Julia Somers, the executive director of the New Jersey Highlands Coalition.

"This is just another example of this administration rolling back environmental protections," added Jennifer Coffey, policy director for the Stony Brook-Millstone Watershed Association.

About 50 groups have debated many of the state's major environmental issues: the Highlands, wetlands rules, approvals for pipelines and power lines, and even changes to the state's endangered species list.

The meetings vary from topic to topic and month to month, according to officials and activists. At some, minutes and notes memorialize the proceedings, but not at others. Some have agendas distributed beforehand, others don't. But all have a set, invitation-only list of attendees. Kropp said the meetings take on different formats, based on the topic they're tackling.

Larger, more pressing issues come up at the meetings unexpectedly, according to activists. Several environmentalists say a proposal to weaken stormwater regulations — potentially huge for development across the state — popped up without warning in a stakeholder meeting last month, for instance. Batty said she was surprised the issue came up.

"It certainly wasn't on the agenda," she said.

The suggestion was just a part of open dialogue, Kropp explained. Any change would be evaluated by the whole department, she said. Ideas are freely discussed at the meetings, she said.

"This is not a negotiation session — this is not about consensus building — this is about open dialogue," Kropp said. "We're not leaving these meetings with final decisions. Everything is coming back to management."

But Jeff Tittel, executive director of the New Jersey chapter of the Sierra Club, said the DEP is using "a process to overwhelm environmental standards."

A fundamental difference hinges on whether the DEP should account for economic considerations in its decision-making process, observers say. Environmentalists say the DEP should simply stick to environmental protection; the department's current vision statement says it should also take "economic analysis" into account in its decisions.

One industry representative said the meetings have been helpful to get input included in the process.

"We have found it to be a very meaningful discussion with the department," said Elizabeth George-Cheniara, of the New Jersey Builders Association.

Thus far, just a few of the proposals discussed at the meetings have been adopted.

A proposal to update the endangered species list, for example, was put forth in January. The changes would add five species to the list, but would reclassify eight other endangered species and essentially free up 48 square miles of previously protected habitat to economic development.

But perhaps the biggest point of contention for environmentalists, so far, is the so-called "waiver rule," which would allow the DEP to bypass its own rules or regulations to approve development projects.

When the DEP announced the public comment period for the rule, the department mentioned that the rule was made in consensus with environmentalists. Though the DEP now admits environmentalists did not buy in, activists still bristle at the characterization.

"Participation was minimal, and we certainly didn't reach consensus," said Emile DeVito of the New Jersey Conservation Foundation.

Kropp said the department will continue to have meetings, though it may slow down the frequency.

"We're taking a step back," Kropp said. "It's a work in progress — it's not perfect."