

CONSTITUTIONALITY OF PINE BARRENS ACT UPHELD Federal Appeals Court Dismisses Property Owners Lawsuit

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A federal appeals court has upheld the landmark legislation that protects drinking water -- the Pine Barrens Protection Act. Environmentalists are delighted.

The Second U.S. Court of Appeals for the Second Circuit has dismissed an appeal brought by disgruntled owners of land in the Core Preservation Area of the Pine Barrens. They charged that they had not received "equal protection under the law" nor "due process."

While most owners of Pine Barrens Land that can't be developed have sold their property and full market value, the group bringing this legal action charged that the preservation boundaries were established without government purpose and discriminatory to them. The three judge panel disagreed, saying "It is clear that the (Pine Barrens) Act is rationally related to several state interests...protecting the largest natural drinking water source in New York and preserv(ing) the Pine Barrens' unique and partially endangered ecosystem."

Pine Barrens Society Executive Director richard Amper was ecstatic. "The Federal court supports the legitimacy of our goal to protect water and habitat in Long Island's premier ecosystem. It, thus, upholds the program to pay private property owners for land they cannot develop in the interest of protecting Long Island's environment for everyone."

The case was defended by John Sipos, assistant to New York State Attorney General Eliot Spitzer. Legal experts said it was unlikely that the Supreme Court would hear a further appeal. "It was a very straightforward decision, a sound and convincing win for Long Islanders and a very convincing defeat for the plaintiffs," Sipos said.