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28 September 2012

Ms. Candace McKee Ashmun
 Chair, Plan Review Committee
 NJ Pinelands Commission
 PO Box 359
 New Lisbon, NJ 08064

Re: Pinelands CMP - 2012 Plan Review

Dear Commissioner Ashmun,

New Jersey Conservation Foundation appreciates the opportunity to submit comments regarding the 2012 review of the Pinelands Comprehensive Management Plan.

We have studied many of the comments already submitted by members of the public and other conservation advocates. We find ourselves in agreement with the comments already submitted by the Pinelands Preservation Alliance, regarding their 10 items of highest priority in their letter of September 14, 2012. Please note that NJCF also provided verbal testimony at the public hearing on September 24 regarding:

1) the need for the Pinelands Commission to implement the 2009 Pinelands Forestry Rules, as they were developed via the years of hard work and consensus-building of the Pinelands Commission Forest Advisory Committee and the PC staff. Please also note that NJCF co-signed the September 28 comment letter from PPA regarding Pinelands Forestry.

2) the need to ensure that for Enduro race permitting, the Pinelands Commission fees are revised to provide the resources necessary to ensure compliance with approved permits, and procedures revised to give the Pinelands Commission the ability to impose tough sanctions when races violate permit provisions.

In this comment letter, we wish to add a few additional thoughts regarding Pinelands Ecosystem Management having to do with both Forestry and Fire Ecology, as well as re-emphasize our support for the 10 high priority issues elucidated by Pinelands Preservation Alliance.

With respect to Pinelands Forestry, at a meeting of the Pinelands Forest Advisory Committee earlier this year (2012), a few private consulting foresters making public comments asserted that (here I paraphrase) “there was no need to rely on natural fires to maintain ecosystem and species diversity in the Pine Barrens; that modern forestry practices alone could maintain every aspect possible habitat component and species diversity found within the Pinelands Ecosystem.” This is a scientifically indefensible comment, as there is absolutely no ecological research to support such an irresponsible claim. In fact, leading burn managers and ecologists with the US Forest Service are producing a wealth of evidence that, unlike NJ current practices, the use of hot, controlled burns and growing-season burns are the only viable means to restore biological diversity and complexity to natural, fire-prone forest ecosystems. In New Jersey, there has been a

great deal of discussion among land managers and foresters about using mechanical forestry to “fire-proof” the Pine Barrens. While mechanical forestry offers important tools to protect populated areas at the urban/wildland interface, and good examples of this type of forestry have recently been implemented, utilizing the existing 2009 CMP forestry rules near the Garden State Parkway, such assertions that forestry alone can perpetuate the myriad intricacies of native Pine Barrens ecosystems have no scientific merit. The Pinelands Commission should find ways to seriously engage in the discussion of long-term restoration of Pine Barrens ecosystems through the application of hot controlled burns, as well as the establishment and designation of let-burn areas in the core of the Preservation Area.

Another element of grave concern is the call to eliminate the use of the 2009 CMP forestry rules and to designate forestry as agriculture. Agriculture is NOTHING like forestry. The objectives of agriculture are to minimize natural diversity, destroy natural communities, and prevent natural processes from occurring. That individuals and organizations are asking that forestry be defined as agriculture makes it patently clear that they intend to use modern forestry practices that result in *permanent, irreversible impacts* to native Pinelands forest habitats.

Pinelands forest canopy and understory species composition, soil structure, rooting zone characteristics, insect communities, natural mycorrhizal communities, and many other elements are all components of forest habitats that could easily be damaged by the tools available to the modern forester. The modern machines, chemicals, hybrid and non-native species available as forestry tools allow a modern forester to conduct destructive activities that were not part of the historic and cultural aspects of human forest manipulation in the Pine Barrens.

The 2009 Pinelands CMP forestry rules were written to ensure that a wide range of forestry would be permissible, and facts show that hundreds, perhaps thousands of acres of forestry projects have been conducted in the last few years. But individuals, organizations, and government agencies have expressed a desire to conduct fundamental and irreversible changes to Pinelands forests, especially the conversion of forests to non-forests, specifically grasslands, plantations, and species-poor stands of over-simplified vegetation with altered soils and shrub structure, especially in the globally rare Pine-Shrub Oak vegetation communities that are essential to the character of the Pinelands.

If forestry were to be defined as agriculture, then all UPLAND forests found on public land in the Pinelands, all non-profit tax-exempt land that is not farmland-assessed and not subject to NJ Green Acres easements (nearly all state parkland and a great deal of county and non-profit land), and all private forested land that is either not farmland assessed or is farmland-assessed but is listed as appurtenant woodland, would then be eligible to be logged without any forestry plan or any application to anyone. There would be no requirement for NJ DEP review, no local review, and no rare species review. This is exactly what already happens to appurtenant woodland on farms throughout NJ, and on many private lands that are not farmland/woodland assessed, just before they go under contract to be acquired as open space by government agencies. There are numerous examples of this unregulated timbering of forested lands; I would be happy to show examples of these unregulated practices to Pinelands Commissioners and staff.

The 2009 Pinelands CMP forestry rules, and the ability of the Pinelands Commission to oversee compliance with these rules, remain absolutely necessary to protect Pinelands forests from clearly destructive practices that would otherwise occur. We believe that the forestry

requirements of the Pinelands Comprehensive Management Plan, so recently revised with complete consensus developed in an extensive stakeholder process, must remain in effect and unchanged.

In addition to these comments regarding ecological burning and forestry, NJCF agrees with the 10 priority elements suggested by Pinelands Preservation Alliance for attention during plan review. We simply re-iterate the list here, rather than discuss the merits of each issue.

1. Protection of the Headwaters of the Black Run Watershed in Evesham
2. Pinelands Development Credit changes
3. Kirkwood-Cohansey Aquifer protection
4. Stormwater rules reform, including low impact development (LID) requirements
5. Public comment procedures reform
6. Amendment of the Intergovernmental MOA Provisions of the CMP
7. Vegetation standards and roadside protections
8. CMP threatened and endangered plant list reform
9. Sustainable growth fixes
10. Applications for Endures and similar events

Please refer to the merits of each issue as discussed by the Pinelands Preservation Alliance in their comment letter of September 14, 2012.

Thank you very much for the opportunity to comment. I would be happy to discuss the forestry details or arrange a field tour to demonstrate these forestry concerns for Pinelands Commission staff or commissioners.

Respectfully submitted,



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Manager of Science and Stewardship
New Jersey Conservation Foundation