

## The Need for Prescribed Burns in New Jersey - Support S368/A329

### Current Situation:

The natural cycle of fire can be described in terms of the frequency, size, seasons, and intensity of fires. In all these respects, today's practices are changing the natural cycle. Fire suppression excludes fires from many areas for unnaturally long periods and increases the chances of wildfires.

Prescribed fires, generally set by the state and private landowners to burn off fuel on the forest floor, are mostly conducted in a very narrow window of time in the winter (New Jersey's prescribed burning season is limited to the period between October 1 and March 31) and are kept at very low intensity. Because these fires are designed to burn brush, leaves and needles but not to reach the canopy of the forest as a wildfire would do, they do not create forest canopy openings or the open, sandy or brushy successional habitats needed by many Pinelands species. The restrictive approach to prescribed fires means very little forest gets burned, and the way it gets burned does not serve the ecological functions needed to reproduce the effects of wildfires.

### Statistics:

Annually, the New Jersey Forest Fire Service burns an average of 10,000 to 15,000 acres of public lands and 5,000 acres of private lands.

Major historic wildfires in Pine Barrens:

<b>1838 - 179,200 acres</b>	<b>1871 - 50,000 acres</b>
<b>1930 - 267,547 acres</b>	<b>1963 - 193,000 acres</b>
<b>1971 - 21,000 acres</b>	<b>1977 - 26,400 acres</b>
<b>1991 - 5,000 acres</b>	<b>1999 - 11,975 acres</b>
<b>2006 - 4,000 acres</b>	<b>2007 - 2500 acres</b>
<b>2008 - 2000 acres</b>	

### Impacts to the Public:

2008 - Hammonton public schools shut down due to smoke.  
2007 - 2,500 residences were evacuated; 6 homes destroyed, and thousands of people were evacuated.  
1999 - 100 people evacuated from Bass River homes.  
1995 - 600 people evacuated. Blazes came within 50 feet of some homes.  
1991 - Oyster Creek Nuclear Power Plant forced to temporarily close.

### The Problem:

- Fire suppression excludes fires from many areas for unnaturally long periods.

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- The restrictive approach to prescribed fires means very little forest gets burned, and the way it gets burned does not serve the ecological functions needed to reproduce the effects of wildfires.
- Fuel loads create more dangerous wildfires which cause homes to be destroyed, schools and residences to be evacuated and public utilities to be shut down.
- Private landowners are hesitant to contract a prescribed burn on their property due to nearby residents suing for smoke or other damages.

### The Solution:

Implement a New Jersey Prescribed Burning Act that includes:

1. Ecological burning to create an open canopy, which benefits diversity and reduces the risk of uncontrollable wildfires;
2. Ecological thinning by mechanical means to complement prescribed fire and to be an element in reducing wildfire hazards; and
3. Shielding burners and property owners from liability unless negligence is documented.
4. Allowing the State to conduct burns/thinning on in-holding lands.

In the past 10 years, nine Southern States have enacted legislation to authorize and promote the continued use of prescribed burning of forest land by limiting burners' civil liability for damages or injuries resulting from fire or resultant smoke and providing protection from spurious nuisance suits. These laws define prescribed burning as a legal and socially beneficial activity that shall not be deemed a nuisance. These statutes were enacted in 1990 in Florida, in 1992 in Georgia and Mississippi, in 1993 in Louisiana, in 1994 in South Carolina, in 1995 in Alabama, in 1997 in Virginia, in 1999 in North Carolina and Texas, and last year (2009) in Pennsylvania.