

Highlights of Town and Community Comments to NJDEP Opposing the Sparta Mountain Forest Stewardship Plan

About 2,000 comments about the Sparta Mountain Forest Stewardship Plan were submitted to the DEP. Hardyston Township, Beaver Lake, Lake Tamarack, Lake Hawthorne, and Lake Gerard have all submitted comments against the plan. The first three of these consulted with lawyers to prepare their comments. Sparta Township has submitted comments with numerous concerns about the plan, supported by their Planning Board and Environmental Commission. Vernon Township's Environmental Commission has passed a resolution opposing the plan. To access these and other comments in full, visit <http://www.savespartamountain.org>.

From Beaver Lake and Lake Tamarack: A brief summary of 8 legal arguments against the plan, developed and submitted independently:

1. The WMA was preserved through Green Acres funding, not hunting and licensing fees. Green Acres lands must be used for conservation and recreation purposes. Widespread commercial logging would illegally divert these lands and resources to a commercial purpose inconsistent with the Green Acres program.
2. The DEP has not adequately analyzed the economic impact of the plan as it is required to do by executive order (eg, Executive Order #2, 1/20/10).
3. The DEP does not have the authority to approve any forest stewardship plan until it develops and adopts guidelines, rules, and standards and creates and maintains a forest stewardship advisory committee **as required by the 2010 Forest Stewardship Act**.
4. The Division of Fish and Wildlife lacks the legal authority to manage wildlife in the WMA because it has not yet formulated comprehensive policies governing the management of the impacted species or the creation of young forest, as required by law (NJSA 13:1B-28).
5. The DEP is relying on its unpublished 14-step process and FSC certification, which is tantamount to relying on rules that were not adopted pursuant to the State Administrative Procedure Act. This **violates the NJ Supreme Court's "Metromedia" decision**.
6. Nothing in the relevant statutes allows the DEP to delegate the development of a forest stewardship plan for public lands to a private entity. (Some argue that this is "improper delegation of Executive Branch authority in violation of the Constitution", as Governor Christie stated in his conditional veto of the Healthy Forests Act last year.)
7. It is arbitrary, capricious, and unreasonable for the DEP to propose a plan that improperly values one species and interest above all other natural resources in the Sparta Mountain area.
8. Sparta Mountain's resources require the highest level of protection that the state can provide.
 1. Complying only with the 1995 Best Management Practices Manual is insufficient. Since 1995, the Highlands Act was passed, and the Flood Hazard Act and the Wetlands Act have been amended. Research published by Swank and Webster has shown that best management practices are insufficient to prevent the degradation of waters near logging operations.
 2. The plan should comply with the Highlands Act, which requires 300 foot buffers from all waters.
 3. The plan must comply with the Flood Hazard Act, because the permit-by-rule that the plan relies on prohibits clear-cutting. "Seed tree treatment" is effectively clearcutting.

4. The plan should comply with the Wetlands Act, which requires 150 foot buffers for the protection of exceptional resource value wetlands such as those found at Sparta Mountain.

From Hardyston Township: “The Township unequivocally and strenuously objects to the proposed Forest Stewardship Plan...The Plan poses imminent danger to the natural forest and wildlife...presents potential dangers to wildlife, water supply, land and natural resources...to the homes and infrastructure in the area...risks interference with the aesthetics...does not appear to have taken into account the impact on the quality of life...will create an unattractive nuisance, especially for illegal ATV and off-road vehicle users...The NJDEP failed to work cooperatively with Sussex County officials and local governments...”

From Sparta Township: “First, we want to know what studies have been done with respect to the impacts of potential damage to roads and other infrastructure from increased water runoff and erosion in and from the forested areas of the plan. The Township experienced problems in nearby areas such as Edison Road after Hurricane Sandy and wants to ensure sufficient protections are in place.”

From Sparta Township Environmental Commission: “The Commission strongly believes that public lands are to be managed for public access, natural resource protection, and ecological preservation. The economic worth of these lands is incidental to their overall value and should not be a factor in their management. In summary, the Sparta Mountain WMA was purchased by Green Acres and should be managed for the enhancement and preservation of wildlife habitat, not forest products.”

From Sparta Township Planning Board: “2. NJDEP should verify compliance with the Sparta Township Municipal Storm Water Management plan including any related updated storm water ordinances, NJDEP stormwater management regulations, NJDEP flood hazard area regulations, riparian buffers, wetlands, and wetlands transition area statutes and regulations. 3. The plan and all reports should be reviewed and approved by the Highlands Council and the proponents of the plan should affirmatively demonstrate consistency with the intent, purposes, and standards of the Highlands Act, the Highlands Council’s Regional Master Plan (RMP) and the requirements for the Preservation Area of the Highlands Act, in which the Sparta Wildlife Management Area is located.”

From Vernon Township Environmental Commission resolution:

“WHEREAS, logging is currently being conducted on environmentally sensitive lands at the Sparta Mountain Wildlife Management Area; and ...

WHEREAS, New Jersey’s State Forests and Parks belong to all of us and are held in the public trust; and

WHEREAS, this legislation breaks that public trust by allowing loggers to take over these environmentally sensitive lands; ...

NOW, THEREFORE, BE IT RESOLVED the Vernon Township Environmental Commission opposes Bills S768 and A1085, opposes logging on state and public lands, and opposes the logging being conducted at the Sparta Mountain Wildlife Management Area .”

From Beaver Lake: “Beaver Lake objects to the Sparta Mountain plan and asks the [NJDEP] to withdraw the plan. Indeed, the plan lacks a sufficient technical basis and the plan and its ‘stakeholder’ process fail to meet relevant statutory and regulatory requirements, NJDEP policies and procedures, and the certification requirements of the Forest Stewardship Council....any decision by the NJDEP to adopt the plan would be ultra vires, arbitrary and

capricious, lacking substantial evidence and/or unreasonable. If the DEP determines that a plan is needed, it should adopt appropriate rules, standards and policies as is required by statute and engage in a full and transparent public participation process to ensure that any plan complies with the needs of all stakeholders and with the highest environmental requirements appropriate to the Sparta Mountain Area.”

From Lake Tamarack: “The plan raises serious issues that could affect the water quality of our lake, our recreational use of the woods, and the health of the forest ecosystem on Sparta Mountain. Chief among these concerns is the fact that the plan calls for extensive clearcutting behind our neighborhood. Other major concerns stem from the invasive logging plan, and include: impacts on NJ Highlands water quality and the inadequacy of stream and wetland buffers, the creation of a network of logging roads throughout the forest, the spread of invasive species and the proposed use of herbicides to combat those invasive species, the effects on fish and wildlife, **including 41 wildlife species listed as endangered, threatened, or species of special concern and 43 species of rare plants**, and the impact that this plan will have on Lake Tamarack quality of life and property values.”

From Lake Hawthorne: “The HPC [Hawthorne Park Club] firmly objects to the FSP, as proposed, for the following reasons:...

3. Despite using self-serving conclusory language, the FSP offers no discernable proof that the forest is either (a) distressed or (b) in need of such drastic measures as those espoused by the NJAS. Mere assertion by an organization of a stewardship role is not a substitute for facts nor does it provide license for unilaterally curtailing the rights of other citizens of the State. ...

5. Clear cutting (what the FSP calls ‘Seed Tree with Reserves’) does not serve the best interests of the affected communities as to aesthetics, ecological, environmental and economic impacts. ...

8. Section 2.9 (page 14) of the FSP includes a discussion of streams present within the Sparta Mountain WMA. Identification and discussion of the stream exiting Collins Pond, as well as several other streams in the same areas from artesian aquifers entering Hawthorne Lake have been omitted. Such considerations must be included in the FSP. HPC will be severely impacted by any activity that affects Collins Pond and the subject streams, most notably regarding invasive aquatic plants, siltation, degradation of Hawthorne Lake’s water quality and aesthetic issues.

9. We strongly recommend that those areas designated in the FSP to be clear cut (‘Seed Tree with Reserves’) (a) be eliminated, (b) be replaced with a less invasive and more responsible thinning program and (c) not be within the sight lines of the bordering properties and residents.”

From Lake Gerard: “It is the decision of the Board of the Lake Gerard Fish & Game Club that the Sparta Mountain Stewardship Plan should not go forward as presently proposed. We join our neighboring lake communities and all other Sussex County residents who oppose this plan.”

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