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Submitted via email

RE: Sparta Mountain Wildlife Management Area Forest Stewardship Plan

Dear Mr. Golden:

We are residents of Lake Tamarack, one of several lake communities adjacent to the Sparta Mountain Wildlife Management Area. We firmly oppose the Sparta Mountain WMA Forest Stewardship Plan as it is currently written. 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.

The Division of Fish and Wildlife asserts that by clearing away old forest, species that prefer young forests, such as the golden winged warbler, will be drawn to the area and overall forest health will improve. However, this assertion is not backed by sound science, fails to meet minimum statutory and regulatory requirements, and is not the public interest. **Private timber harvesting is simply not an appropriate use of public forests.** Once the plan is approved, it will remain in effect for 10 years. It is imperative that we get it right.

The Division of Fish and Wildlife attempt to placate the public with promises of relying upon 1995 “best management practices” for logging. This is what “best management practices” look like on Sparta Mountain today.



(Photo of one of the segments of Sparta Mt. FSP that was clear cut under the 2009 FSP. 3/11/2016)



(Photo of soil damage along the logging road used to access the clear cut site in Stand 18. 3/2016)



(P) (Photo of clear cutting on steep slopes within Stand 18. 3/11/2016)

Inadequate Public Notice and Stakeholder Engagement

The New Jersey Department of Environmental Protection (NJDEP) failed to identify and consult with stakeholders during the development of the Sparta Mountain Forest Stewardship Plan (Sparta Mt. FSP) and failed to give adequate public notice following the release of the draft plan. The purpose of public notice and comment is twofold. First, it ensures transparency by informing the public about government activities, thereby allowing citizens to make well-informed decisions. Second, government agencies will formulate better plans and policies by drawing on the knowledge and expertise of stakeholders and members of the public.

Public Engagement is Required:

Public engagement is not an aspirational goal; it's required by law. The New Jersey Administrative Procedures Act requires state agencies to engage in public notice and comment

prior to adopting new rules, such as a Forest Stewardship Plan.¹ In addition, any time the state removes more than one acre of forest on state land, the State Parks and Forestry Resources Act requires the agency to hold at least one public forum within the municipality in which the deforestation is scheduled at least six months before deforestation begins.² At that public forum, NJDEP must present its plan for deforestation and a plan for reforestation (reforestation plan requirements discussed below). Following the forum, the public has 60 days to submit oral and written comments, and NJDEP is required to provide written responses to those comments.³ Lake Tamarack looks forward to participating in the public forum and providing comments.

The National Forest Foundation provides federal Forest Stewardship Funds to citizen-involved projects that maintain or restore forest resiliency. Forest Stewardship Fund projects must show a “strong commitment to civic engagement and community involvement through the direct involvement of the public. In order for a project to be eligible for funding, it must have significant, direct community involvement or civic engagement in the pre-implementation, implementation, or post-implementation phases. The public engagement phase of the standard NEPA process is not sufficient to meet this requirement.”⁴ One way NJDEP was able to tap into federal resources to create the Sparta Mt. FSP was to enlist the New Jersey Audubon Society (NJAS) to write the plan. NJAS indicated on its website that it received funds from the National Forest Foundation in creating the Sparta Mt. FSP.⁵ Stakeholder engagement during the Sparta Mt. FSP planning process falls woefully short of National Forest Foundation requirements.

Inadequate Stakeholder Engagement:

Rather than ensuring transparency and well-informed agency decisionmaking, NJDEP and NJAS blundered through the public engagement process. While the plan (pg. 5) claims to have created an exhaustive stakeholder list and maintained contact with the public throughout the planning process, nothing could be farther from the truth. It appears that NJDEP and the New Jersey Audubon Society (NJAS) primarily consulted with themselves and several narrowly-focused hunting groups when developing the plan.⁶ The townships of Hardyston, Ogdensburg, Sparta, and Jefferson were not consulted or even notified of the plan. Homeowners in the lake communities adjacent to the Sparta Mt. WMA were not notified. Outside biologists and ecologists were not consulted. Well-known and established environmental organizations such as the NJ Chapter of Sierra Club, the Land Conservancy of NJ, Clean Water Action, and Environment New Jersey were not consulted. The single comment submitted during stakeholder review was from the Ruffed Grouse Society, the powerful hunting group currently lobbying states and the federal government to allow logging in public forests (see discussion on the Ruffed Grouse Society below). The Division of Fish and Wildlife’s emaciated stakeholder consultation clearly falls well short of NJDEP’s own requirements.

Insufficient Public Notice:

The Sparta Mt. FSP was then released to the public the day before Christmas Eve, a time when most people were on vacation and less likely to notice the plan. Had it not been for a few observant citizens, the plan would likely have been approved as quietly as its 2009 predecessor. Due to a huge public outcry in the final week of the comment period, NJDEP was compelled to extend the public comment deadline. Belated apologies by NJDEP are insufficient

¹ N.J. Stat. § 52:14B-4.

² N.J. Stat. § 13:1L-14.4.

³ *Id.*

⁴ National Forest Foundation website, <https://www.nationalforests.org/grant-programs/stewardship-funds>.

⁵ New Jersey Audubon Society website, <http://www.njaudubon.org/SectionConservation/StewardshipInAction/SpartaMountainWMAForestStewardship.aspx>.

⁶ A list of stakeholders can be found in NJDEP’s proposal to de-list Sparta Mt. as a High Conservation Value Forest, http://www.state.nj.us/dep/fgw/pdf/2015/spartamt_forestassessment.pdf.

to rectify the agency's errors. According to NJDEP's website, public comments are limited to 5,000 characters (about one page of text), and must be submitted using the online form, relegating the public comment process to the equivalent of a twitter feed. NJDEP should clearly provide the public with a method to submit more substantial comments via mail or email.

By relying on limited and insular information, the Sparta Mt. FSP was essentially developed in a bubble, leading to major flaws within the plan, discussed below.

Question: If NJAS received federal Forest Stewardship Funds, exactly how has it fulfilled its obligation to have significant, direct community involvement during the Sparta Mt. FSP pre-implementation process?

Question: How will NJDEP and NJAS ensure better public engagement throughout the lifespan of the FSP?

Question: Has U.S. Fish and Wildlife been consulted regarding impacts the plan could have on federally endangered species, such as the Indiana Bat?

Insufficient Environmental Review

The purpose of environmental review is to gather information that will be used to avoid or mitigate the potentially significant environmental impacts of an action. In New Jersey, environmental review is conducted pursuant to either the National Environmental Policy Act (NEPA) or state Executive Order # 215.⁷ It does not appear that the Division of Fish and Wildlife has conducted any type of formal environmental review of the Sparta Mt. FSP.

Executive Order # 215:

EO 215 recognized that "the protection of the environment, the management of development, and the prudent use of the State's limited land and other resources will be fostered by the proper location and design of projects initiated or funded by departments, agencies or authorities of State government; and... the potentially adverse environmental impact of projects initiated or funded by departments, agencies or authorities of State government can be substantially reduced or eliminated if that impact is assessed before the approval of such project and agreement reached on the ways and means to ensure environmental compatibility." Environmental review is required under EO 215 whenever a project receives more than \$1 million in state funding.⁸ Since the Sparta Mt. FSP provided no transparency as to the costs associated with implementing the ten-year plan, it is unclear whether NJDEP is required to engage in formal environmental review under EO 217. However, given the decade-long duration of the project and the "active management" contemplated by the plan (logging road construction and maintenance, invasive species management, herbicides, wildlife monitoring and management, habitat improvement activities, perpetual prescribed burns, annual review, third-party audits, 5-year assessment, etc.), it seems reasonable that it could cost the state well over \$1 million to implement.

Questions: What is the estimated cost to the state of implementing the Sparta Mt. FSP over the course of ten years? Over the course of the larger, 60-year vision?

Question: Has the Division of Fish and Wildlife contacted the Office of Permit Coordination and Environmental Review to begin NEPA and/or EO 217 review?

⁷ N.J. Exec. Order No. 215 (Sep. 11, 1989); 42 U.S.C. §§4321-4370h.

⁸ NJDEP Office of Permit Coordination and Environmental Review website, <http://www.nj.gov/dep/pcer/>.

National Environmental Policy Act:

NEPA seeks to achieve its goal of ensuring full consideration and public disclosure of environmental risks by requiring preparation and public circulation of environmental impact statements on "proposals for ... major Federal actions significantly affecting the quality of the human environment."⁹ NEPA review is triggered when a project that may significantly affect the quality of the human environment is entirely or partly financed, assisted, conducted, regulated, or approved by federal agencies. In October 2007, DEP began allocating federal funds for the creation of 10-year forest stewardship plans within the New Jersey Highlands. The NJAS webpage that discusses the SMWMA implies that the organization received funding from the National Forest Foundation and the U.S. Forest Service. However, it does not appear that NJAS and NJDEP have begun the NEPA consultation process.

In order to carefully protect New Jersey's valuable forest and water resources, a ten-year Forest Stewardship Plan that affects 3,461 acres of environmentally sensitive public forest should only be approved following a robust environmental review process, as required under EO 215 and NEPA.

Questions: How much federal money was used in preparing the Sparta Mt. FSP? How much federal money will be used to implement the plan?

Failure to conduct an alternatives analysis:

One of the most important cornerstones of the environmental review process is conducting an analysis of alternatives to the proposed project. An alternatives analysis ensures that the agency doesn't hone in on a single plan without first considering other methods of achieving the project's goals. A good alternatives analysis is built upon clearly defined project objectives, project-specific criteria used to evaluate alternatives, and a clearly articulated range of alternatives that seek to minimize harmful environmental impacts.

One of the most glaring failures of the Sparta Mt. FSP is that it is completely devoid of any consideration of alternatives to achieving its goals of creating habitat for the golden winged warbler and other early-successional species. Instead, the plan *starts* with the premise that the best way to create young forest is to remove older forest. The plan never contemplates creating young forest habitat in abandoned lots or abandoned farmland, for example. Even the most cursory glance at potential alternatives yields many options that would almost certainly be less environmentally harmful than clearcutting forests within the Highlands Preservation Area. The Division of Fish and Wildlife has a duty as a trustee of our public forest resources to manage those resources prudently. NJDEP must set aside the draft plan until it carefully considers a range of viable alternatives and selects the most environmentally protective option.

Question: What are the project alternatives to the draft Sparta Mt. FSP, and how have those alternatives been evaluated? Please be specific.

Failure to conduct a cost-benefits analysis:

Related to the alternatives analysis, a robust environmental review should also include a detailed cost-benefits analysis. A cost-benefit analysis provides an organized framework for transparently identifying, quantifying, and comparing the costs and benefits of a proposed policy action. On the "benefits" side of the equation is the creation of habitat for an endangered bird and other unspecified non-endangered species, as well as undisclosed revenue from timber products. On the other side of the equation are known costs such as:

- further fragmentation of one of the largest patches of contiguous forests in the Highlands,

⁹ 42 U.S.C. § 4332(2)(C).

- risk to the watershed that serves as the water supply 70% of New Jersey’s population,
- destruction of habitat for dozens of endangered, threatened, and rare species that need intact interior forests,
- soil degradation on clear cut sites and on logging roads,
- degradation of streams and wetlands,
- destruction of trees which act as a carbon sink, mitigating global greenhouse gas emissions,
- increasing greenhouse gas emissions through perpetual prescribed burns,
- harm to aesthetic and recreational values, and
- harm to property values in adjacent lake communities, such as Lake Tamarack.

Of course, this is not an exhaustive list. In the 2015 Addendum to New Jersey’s Forest Action Plan, NJDEP recognized that “[e]cosystem services of clean air, watershed protection, recreation and wildlife habitat are critical elements of forest protection in New Jersey and provide many benefits to the State’s residents.”¹⁰

If a cost-benefit analysis were conducted, it seems clear that habitat creation for one endangered bird is heavily outweighed by destruction of habitat for multiple endangered species that require interior forests. And Sparta Mt. FSP itself states that revenue from timber contracts will be negligible: “the absence of a viable market for forest products eliminates any income potential from wood products to offset the costs associated with stewardship work.” It is hard to see how the benefits of the proposed plan could possibly outweigh its significant costs and risks.

Question: What are the specific costs and benefits associated with the Sparta Mt. FSP does NJDEP recognize, and how have each of those costs and benefits been weighted and analyzed?

The Sparta Mt. FSP relies on flawed science:

Many problems result from the Department of Fish and Wildlife’s failure to conduct a comprehensive environmental review. The comment letter submitted by the New Jersey Highlands Coalition in opposition to the Sparta Mt. FSP contains extensive and detailed scientific analysis that rebuts many of the Division of Fish and Wildlife’s flawed assumptions. We agree with the Highland Coalition’s assessment and incorporate their comments into this comment letter. In addition, several points deserve further discussion:

The Sparta Mt. FSP will hasten the demise of the golden-winged warbler:

The plan is premised on a theory that by clearing away old forest, species that prefer young forests, such as the golden-winged warbler, will be drawn to the area. 50 acres of Sparta Mt. has already been clear cut, in 2011 and again in 2013, under the 2009 Sparta Mt. FSP. NJDEP expects that the golden-winged warbler will colonize the clear cut sites after about four years. If NJDEP is correct, we hope to see golden-winged warblers nesting in the 2011 harvest site this spring. Rather than await results to determine whether the clear cutting plan is successful in attracting golden-winged warblers, NJDEP decided to re-write the plan and lock the state into another 10 years of forest harvesting without the benefit of scientific results.

In 2012, the Cornell Lab of Ornithology published a comprehensive study, *The Golden-winged Warbler Status Review and Conservation Plan*.¹¹ The study finds that “[m]uch of the decline of this species can be explained by habitat loss, while hybridization with Blue-winged Warbler (*Vermivora cyanoptera*) has exacerbated the declines and added complexity to the

¹⁰ Addendum to the 2010 New Jersey Forest Action Plan (2015).

¹¹ Roth, A.M., R.W. Rohrbaugh, T. Will, and D.A. Buehler, editors. 2012. Golden-winged Warbler Status Review and Conservation Plan.

development of effective conservation strategies.”¹² The study firmly warns against creating golden-winged warbler habitat in areas where blue-winged warblers reside because hybridization will hasten the demise of the golden-winged warbler.¹³ “In the Appalachian Region, the probability for hybridization to occur is greater than 25% at elevations below 1500 ft (460 m). We recommend selecting management sites at elevations above the “Blue-winged Warbler zone” (i.e., above 1300 ft (400 m) in the northern Appalachians (NJ, PA, MD, WV).”¹⁴ Nearly the entire Sparta Mt. WMA lies between 1000 ft and 1300 ft, an elevation range where hybridization is especially likely to occur.

In fact, *hybrid warblers are already present* in the Sparta Mt. WMA. **In December 2015, Sharon Petzinger, a Division of Fish and Wildlife zoologist, admitted on the record that she saw one of these hybrid birds at one of the sites that was clear cut under the 2009 plan.**¹⁵ Rather than saving the golden-winged warbler, the Division of Fish and Wildlife is further imperiling an endangered species by increasing the likelihood of hybridization.

Question: Why has the Division of Fish and Wildlife chosen to cut short the 2009 Sparta Mt. FSP (which should have remained in effect until 2019), and implement a new 10-year plan that calls for even more clearcutting, just months before we learn whether the golden winged warbler plan is working?

Question: How many golden-winged warblers, blue-winged warblers, and hybrid warblers have been observed in the Sparta Mountain WMA and in nearby habitats?

Question: How will the Division of Fish and Wildlife prevent hybridization of the blue-winged and golden-winged warblers in the Sparta Mt. WMA?

Question: What steps will the Division of Fish and Wildlife take if it obtains evidence that hybridization is occurring in the Sparta Mt. WMA?

Inadequate wetland and stream buffers:

Wetland and stream buffers function to protect water quality (erosion control and sediment, nutrient, biological and toxics removal, groundwater interaction) and provide aquatic and wildlife habitat. The Sparta Mt. FSP relies on an outdated wetlands Best Management Practices Manual from 1995 to set stream and wetland buffers in the Sparta Mt. FSP at a paltry 25 ft. Forest Management Plans must “the minimum standards necessary for protecting and maintaining New Jersey’s forested wetlands, as well as the water quality of the surface waters within these wetlands.”¹⁶ Since publication of that outdated manual, NJDEP scientists have repeatedly modernized the wetlands buffer policy, consistently finding that the minimum standard necessary to protect Category One streams, wetlands, and surface waters in the Highlands Preservation Area is a 300 ft buffer.¹⁷

“Category One” streams have exceptional ecological, recreational and aesthetic characteristics. NJDEP protects these streams from “measurable changes” by providing 300 ft. riparian buffers.¹⁸ The 300 foot buffer is required for all “Major Development” (1/4 acre increase

¹² *Id.*, at 2-4.

¹³ *Id.*, at 2-5: “In some areas, therefore, suitable habitat might not be occupied by Golden-winged Warblers if Blue-winged Warblers are present. For this reason, land managers should seek to create habitat in locations and configurations that promote persistence of Golden-winged Warbler populations and minimizes interactions with Blue-winged Warblers.”

¹⁴ *Id.*, at 3-25.

¹⁵ “The most productive cut site — including state and private lands — for bird response is located in the northern part of Sparta Mountain, harvested in 2013. Petzinger spotted a Lawrence’s warbler, a hybrid species of the golden-winged and blue-winged warblers.” Kristen Pakonis, *Sparta Mountain gives endangered songbirds a reason to sing*, The Record, Dec. 14, 2015, <http://www.dailyrecord.com/story/news/local/2015/12/14/sparta-mountain-gives-endangered-songbirds-reason-sing/77286442/>.

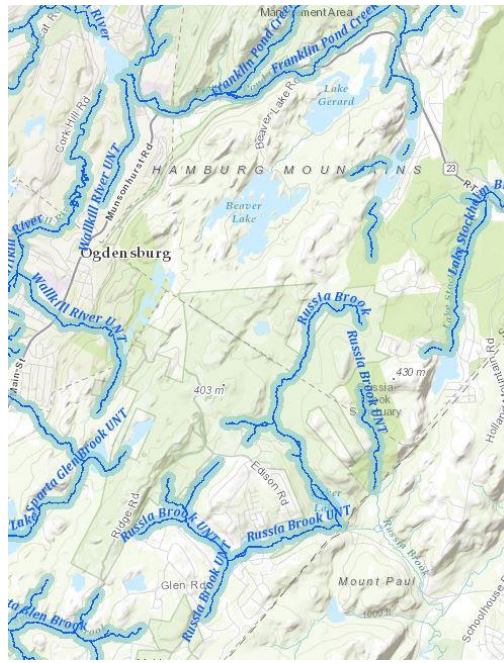
¹⁶ NJDEP Forestry and Wetlands Best Management Practices Manual, (Oct. 1995), pg. ii; N.J.S.A. § 13:9B-1 et seq.

¹⁷ New Jersey Highlands Water Protection and Planning Act, N.J.S.A. § 13:20 (2004).

¹⁸ Category 1 waters are defined as waters protected from any measurable changes in water quality because of their exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, or exceptional fisheries resources. N.J.A.C. 7:9B 1.4.

in impervious surface or 1 acre of disturbance), that is adjacent to a waterway that is designated as a Category One stream or to an upstream tributary within the same HUC 14.¹⁹ In addition, 150 ft. is required for upstream tributaries to trout production waters and for streams flowing through areas containing documented habitat for a threatened or endangered species. 50 ft buffers are generally required for all other waters.

Question: What evidence does the Division of Fish and Wildlife rely upon to conclude that 25 ft. stream buffers in the Sparta Mt. FSP will be sufficient to protect water quality and wildlife?



(Category One Streams – image taken from NJDEP’s Arc GIS mapping tool)

Inconsistency with the NJ Highlands Water Protection and Planning Act

The Highlands Region

Recognized as a landscape of special significance,²⁰ the national highlands region extends from northwestern Connecticut down across the lower Hudson River Valley and northern New Jersey and into eastern Pennsylvania. Noted for its rugged hills, lush forests, pristine streams and lakes, and large, undeveloped scenic lands,²¹ the portion of the national highlands region located within New Jersey spans 859,358 acres, covering portions of 88 municipalities in seven counties.²² Approximately 75% of the land remains undeveloped, 32% of which is protected open space.²³

Protection of the state’s water supply

¹⁹ Flood Hazard Area Regulations, N.J.A.C. 7:13 (2007); N.J.S.A. § 58:16A-50 et seq.

²⁰ U.S. Forest Service, New York-New Jersey Highlands Regional Study (1992).

²¹ Highlands Task Force Action Plan (2004).

²² N.J.S.A. 13:20–2; New Jersey Highlands Regional Master Plan (2008); N.J.S.A. 13:20–7 delineates the area within the NJ Highlands Planning and Preservation Areas in specific detail.

²³ New Jersey Highlands Regional Master Plan (2008).

The New Jersey Highlands Water Protection and Planning Act (the Highlands Act)²⁴ is first and foremost a tool to protect the state's water resources. For over a century, the government has recognized the importance of preserving Highlands water. In 1907, the NJ Legislature established the Potable Water Commission to recommend ways the state could protect its dwindling supply of clean water. In its report, the Commission recognized that the Highlands watersheds are the best in the state because of its abundance, ease of collection (the mountainous elevation allows for efficient gravity-based delivery systems), sparse population, and absence of contamination. The report cautions, "[t]hese watersheds should be preserved from pollution at all hazards, for upon them the most populous portions of the State must depend for water supplies. There has been too much laxness in the past regarding this important matter."²⁵ While the NJ Highlands cover only 17% of the state's landmass, they provide almost 400 million gallons of water per day, supplying drinking water for approximately 64% of the State's population.²⁶ The Highlands are a critical groundwater recharge area and municipalities within the Highlands rely almost entirely on groundwater. Surface waters feed Highlands reservoirs that provide drinking water for the state's more urban counties.²⁷

Wildlife and Biodiversity

The Highlands has the greatest diversity of natural resources of any region in the state.²⁸ The U.S. Forest Service classifies 70% of the Highlands as environmentally sensitive,²⁹ and the State Development and Redevelopment Plan designates the region as a Special Resource Area.³⁰ The region has 370,000 acres of forest, much of which remains unfragmented with portions of contiguous forest exceeding 5,000 acres.³¹ These forests, wetlands, and streams provide habitat for more than 200 species listed in New Jersey as endangered, threatened, or rare.³² The Highlands Regional Study found that "[f]ragmentation and alteration of habitat continue to pose the greatest threat to the biological communities in the Highlands. The rapid expansion of urbanization encroaches on and fragments habitat, destroys individuals as well as populations, and potentially threatens the continued existence of many biological communities. Degradation of habitat by direct destruction or indirectly through pollution, erosion, introduction of invasive species, or fragmentation threatens the existence of species, diminishes natural communities, and reduces genetic variability."³³ Because of its natural beauty and close proximity to urban centers, the Highland's 175,000 acres of preserved open space has enormous recreational value for New Jersey's citizens and 20 million visitors throughout the New York metropolitan area.³⁴

The Highlands Preservation Area

Heeding the call to prevent urban sprawl and damaging land use from consuming what is left of the state's Highlands areas, New Jersey passed visionary legislation, the Highlands Act. The Act had the bold and effect of placing a moratorium on construction and soil disturbances in large portions of seven counties and 88 municipalities. The NJ Highlands are

²⁴ New Jersey Highlands Water Protection and Planning Act, N.J.S.A. § 13:20 (2004).

²⁵ New Jersey Potable Water Commission Study (1907).

²⁶ N.J.S.A. 13:20-2; New Jersey Highlands Regional Master Plan (2008); Highlands Task Force Action Plan (2004).

²⁷ Highlands Task Force Action Plan (2004), (more than 900,000 people in urban areas outside the Highlands, such as Newark and Jersey City, and over 800,000 people in suburban areas such as Somerset, Mercer, Middlesex and Union Counties get their drinking water from Highlands reservoirs.)

²⁸ U.S. Forest Service, New York-New Jersey Highlands Regional Study: 2002 Update (2002)

²⁹ *Id.*

³⁰ N.J.S.A. 13:20-2.

³¹ *Id.*

³² *Id.*; N.J.S.A. 13:20-2.

³³ U.S. Forest Service, New York-New Jersey Highlands Regional Study (1992).

³⁴ Highlands Task Force Action Plan (2004).

divided into a core preservation area and a planning area, which calls for smart growth. **The Sparta Mt. WMA lies entirely within the preservation area.**

The Preservation area prohibits “construction or development which is incompatible with preservation of this unique area.”³⁵ Development prohibitions within the Preservation Area are strict in order to protect remaining contiguous forest and the most sensitive core of the Highlands. There are specific limitations on construction on steep slopes, disturbing more than an acre of soil, disturbing upland forest areas, creating impervious cover, and large water diversions.³⁶ 300-ft riparian buffers are mandated to protect surface waters, including streams and wetlands.³⁷ There is an explicit “prohibition on development that disturbs upland forested areas, in order to prevent soil erosion and sedimentation, protect water quality, prevent stormwater runoff, and protect threatened and endangered animal and plant species sites and designated habitats.”³⁸ NJDEP’s 2010 Forest Action Plan reaffirms the state’s policy priority of protecting upland forests: “The undisturbed forests protect water quality in the reservoirs, watersheds, and aquifers, which reduces the need for water treatment facilities in some areas. Forested watersheds also protect downstream communities from flooding.”³⁹

Forest Stewardship Plans should be subject to the Highlands Act

In the Highlands, the term Forest Stewardship Plan is a misnomer; it actually means “loophole.” In 2009, the state legislature passed a statute that gave the Division of Fish and Wildlife authority to create what they called “Forest Stewardship Plans.”⁴⁰ Unlike Woodland Management Plans that have existed in NJ since 1986, Forest Stewardship Plans are not explicitly limited to private lands. The Department of Fish and Wildlife apparently interpreted that omission to mean it had a green light for creating Forest Stewardship Plans on state land. That statute also created a loophole in the Highlands Act that exempted Forest Stewardship Plans from complying with any of the provisions of the Highlands Act.⁴¹ In theory, the Division of Fish and Wildlife could completely raze Sparta Mt., pave paradise, and put up a parking lot.

And in an appalling affront to local control over land use, the statute also prohibits our municipalities from passing any ordinances that could impede the implementation of a Forest Stewardship Plan.⁴² It is difficult to tell whether Bureau of Land Management policy is being directed by the governor’s desire to privatize all public resources or whether it is simply drunk on its own power. As the fierce public outcry against the Sparta Mt. FSP demonstrates, the agency is certainly not responding to the will of the people, who clearly want Forest Stewardship Plans to be *subject to* the Highlands Act, not exempt from it. Nor is the agency basing its decisions on credible science.

The future of the security of New Jersey’s primary water source depends on the cooperation of municipal governments, NJDEP, the governor, the legislature, and the vigilance of the electorate. As pressure mounts from developers and loggers with dollar signs in their eyes, New Jersey has a choice. It can buckle under the temptation to sell the state’s water

³⁵ N.J.S.A. 13:20-10.

³⁶ N.J.S.A. 13:20-17.

³⁷ N.J.S.A. 13:20-17.

³⁸ N.J.S.A. 13:20-17 (8).

³⁹ New Jersey Forest Action Plan (2010).

⁴⁰ N.J. Admin. Code § 13:1L-29 et al.

⁴¹ “The following are exempt from the provisions of this act, the regional master plan, any rules or regulations adopted by the Department of Environmental Protection pursuant to this act, or any amendments to a master plan, development regulations, or other regulations adopted by a local government unit to specifically conform them with the regional master plan: ... (7) an activity conducted in accordance with an approved woodland management plan ... or a forest stewardship plan ... or the normal harvesting of forest products in accordance with a forest management plan or forest stewardship plan approved by the State Forester.” C.13:20-28

⁴² “No local government unit may enact ... any ordinance, rule, or resolution, as appropriate, that conflicts with, prevents or impedes the implementation of a forest stewardship plan approved pursuant to section 3 of P.L.2009, c.256 (C.13:1L-31) or impose a fee in excess of \$100 in any calendar year for the cutting of trees on any land that is the subject of an approved forest stewardship plan.” C.13:1L-34.

security in the name of more growth. Or it can serve as a model for using science to determine environmental policy.

Inconsistency with the Green Acres Program

For over 50 years, the Green Acres Program has been a model for open space preservation, preserving over 650,000 acres of green space throughout the Garden State. The program has consistently had strong public support, with voters approving funding for Green Acres a dozen times since 1961. Open space, such as Sparta Mt. raise property values⁴³ and increase our quality of life, a fact not lost on residents of Lake Tamarack. A 2009 study also found that “that every \$1 invested in state land preservation programs returns \$10 in economic value through nature’s services, such as flood control and filtering air and water of pollutants.”⁴⁴

The Sparta Mt. WMA was purchased entirely with Green Acres funding, a fact completely ignored by the Sparta Mt. FSP. Green Acres property is encumbered so as to serve the purposes of recreation and natural resource conservation.⁴⁵ “Recreation and conservation purposes” means the lands for parks, natural areas, historic areas, forests, camping, fishing, water reserves, wildlife, reservoirs, hunting, boating, winter sports and similar uses for either public outdoor recreation or conservation of natural resources, or both.”⁴⁶ The land must also be kept accessible to the public⁴⁷ and must be must be maintained in a “condition that is equal to or better than the condition of the land at the time it was acquired” with Green Acres funding.⁴⁸ The fact remains that we, the people, have voted for and funded green space preservation, yet the Division of Fish and Wildlife acts as if it is at liberty to dole out private contracts to log the public land we paid for. Private logging is simply not the type of activity that is consistent with the purpose of Green Acres.

Question: Will portions of the Sparta Mt. WMA be closed to the public due to forest management activities?

Failure to protect Public Trust resources

NJDEP is derelict in its duties as a trustee to protect the state’s public trust resources on Sparta Mountain, and the beneficiaries of the public trust are clearly outraged. Under the public trust doctrine, the state acts as a trustee of selected natural resources and manages them for the present and future benefit of the public. Inherent in the public trust doctrine is a component of sustainability: resources must be protected for present *and future* generations. The state has a substantive fiduciary duty to ensure protection of the wealth in the trust, as well as a procedural duty to act loyally in the sole interest of the beneficiaries. New Jersey recognizes its forests as a public trust resource. There is a constitutional limit on the state’s ability to alienate

⁴³ Home value increases an average of 16% when it is located within 1,500 feet of natural areas. Lutzenhiser, Margot, and N.R. Netusil, *The Effect of Open Spaces on a Home’s Sale Price*, Contemporary Economic Policy 19(3): 291–98 (2001).

⁴⁴ Trust for Public Lands, *Analysis of Return of Investment in State Preservation Bond Measure* (2009).

⁴⁵ “Lands acquired or developed by the State under this act with money from the State Recreation and Conservation Land Acquisition and Development Fund shall not be disposed of or diverted to use for other than recreation and conservation purposes without the approval of the State House Commission and unless the disposal or diversion is executed in accordance with P.L. 1993, c.38 (C.13:1D-51 et al.)” N.J.S.A. § 13:8A-48(a); N.J. Admin. Code § 7:36-10.1(d); N.J. Admin. Code § 7:36-25.2(a).

⁴⁶ N.J.S.A. § 13:8A-37(f).

⁴⁷ “All land and facilities developed with Green Acres funding must be accessible to the public.” - N.J. Admin. Code § 7:36-10.1(e).

⁴⁸ N.J. Admin. Code § 7:36-25.1(a).

public rights.⁴⁹ By allowing private logging of public forests, the Division of Fish and Wildlife has abdicated the public trust and divested trust lands to private interests.⁵⁰

Failure to meet reforestation and sustainability requirements within the State Park and Forestry Resources Act

In the broadest sense, the Sparta Mt. FSP is inconsistent with NJDEP's core missions "to maintain, protect, and enhance New Jersey's natural resources and to protect public health, safety, and welfare, and the environment." Until very recently, only *private* landowners who owned 5 acres or more were eligible to participate in the Forest Stewardship Program. It was not state policy to subject public lands to timber harvesting.⁵¹ Even now, the 2015 Addendum to the NJ Forest Action Plan states that only private land is eligible for participation in the Forest Stewardship Program.⁵²

Any time a state agency removes more than half an acre of forest on state land, it must develop a Reforestation Plan that ensures "no net loss of existing forested area."⁵³ The Reforestation Plan must prioritize re-planting trees adjacent to the deforested area, or if that's not feasible, preference must be given to re-planting within the municipality or within five miles of the site of deforestation.⁵⁴ The Community Forestry Council must have an opportunity to review and comment on the Reforestation Plan, which is then subject to the approval of the Division of Parks and Forestry.⁵⁵ Although the requirements of parts of the State Park and Forestry Resources Act (N.J.S.A. § 13:1L through § 14.1) do not apply to activities "that are deemed by the division to constitute standard forestry, wildlife management, or arboricultural practices," the Division of Fish and Wildlife is still responsible for a plan for compensatory deforestation under section 14.2. Given that the clear cut sites will be maintained as early successional forest by either prescribed burn or perpetual timber harvesting, any temporary re-growth of the harvested stands cannot be considered "reforestation."

The statute also required NJDEP to develop and establish forest sustainability criteria and indicators as a basis for monitoring, recording, and assessing the extent, condition, and sustainability of all public and private forests in New Jersey.⁵⁶ These criteria are subject to formal notice and comment rulemaking and must be created in consultation with the U.S. Forest Service and the Forest Stewardship Advisory Committee. The department was also responsible for publishing a report of findings and assessments based on the forest sustainability criteria, and publishing updates every seven years. It is not at all clear whether the department has engaged in a public process to create such forest sustainability criteria or otherwise complied

⁴⁹ *Illinois Central Railroad Co. v. Illinois*, 146 U.S. 387 (1892); *Arnold v. Mundy*, 6 N.J.L. 1, New Jersey Supreme Court (1821).

⁵⁰ N.J.S.A. 12:3—28;

⁵¹ New Jersey Forest Action Plan, pg. 84 (2010).

⁵² "The FSP is a voluntary program, administered by the SFS under USDA Forest Service guidance, which encourages long-term stewardship of nonindustrial private forest lands." Addendum to the 2010 New Jersey Forest Action Plan, pg. 25 (2015).

⁵³ "Each State entity, by July 1, 1993, and at least annually thereafter, shall develop, and submit to the Division of Parks and Forestry in the Department of Environmental Protection, a plan for compensatory reforestation for all areas at least one-half acre in size that are owned or maintained by that State entity and are scheduled for deforestation. A reforestation plan required pursuant to this act shall establish a goal of no net loss of existing forested area based upon a reasonable and practical Tree Replacement Factor developed due to the act of deforestation and in accordance with this act." N.J.S.A. § 13:1L-14.2.

⁵⁴ "A reforestation plan shall provide that, if tree planting adjacent to the deforested area is not feasible, it shall be conducted in the following order: within the municipality in which the deforestation occurred, within five miles of the site of deforestation, or off-site." N.J.S.A. § 13:1L-14.2.

⁵⁵ "The plan shall be subject to approval of the division after review and comment by the Community Forestry Council established pursuant to sections 5 of P.L. 1996, c. 135 (C.13:1L-17.5)." N.J.S.A. § 13:1L-14.2.

⁵⁶ "a. The department, utilizing guidance provided by the United States Forest Service and in consultation with the forest stewardship advisory committee established pursuant to subsection d. of section 8 of P.L. 2009, c. 256 (C.13:1L-36), and with the benefit of public comment, shall develop and establish forest sustainability criteria and indicators appropriate to the circumstances encountered in New Jersey, as a basis for monitoring, recording, and assessing the extent, condition, and sustainability of all New Jersey forests, whether publicly or privately owned." N.J.S.A. § 13:1L-35 (7)(a).

with these statutory mandates to promulgate the required rules and regulations. Given that the sustainability criteria are meant to govern Forest Stewardship Plans, the Division of Fish and Wildlife has no legislative authority to implement the Sparta Mt. FSP (or any FSP) without first developing these criteria. Simply relying on the 1995 Forest Best Management Practices Manual that pre-dates the Forest Stewardship statute is insufficient.

The State Park and Forestry Resources Act enables NJDEP to “sell or exchange forest products or products reasonably related to recreational activities on state park or forest land.”⁵⁷ However, Wildlife Management Areas are not considered state parks or forests.⁵⁸ Therefore, the State Park and Forestry Act does not authorize the Division of Fish and Wildlife to sell timber harvested from a Wildlife Management Area such as the Sparta Mt. WMA.

Question: Has the Division of Fish and Wildlife prepared a Reforestry Plan to replace the trees that will be harvested under the Sparta Mt. FSP?

Question: Has the Reforestry Plan been reviewed by the Community Forest Council and approved by the Division of Parks and Forestry?

Question: Where will reforestation take place?

Question: What forest sustainability criteria and indicators will the Division of Fish and Wildlife rely upon to create and implement the Sparta Mt. FSP?

Question: Under what authority does the Division of Fish and Wildlife propose to sell timber harvested from the Sparta Mt. WMA?

The Forest Stewardship Plan further jeopardizes Threatened and Endangered Species

Biodiversity is fundamental to stability of life on earth. A wide variety of genetic variation makes it more likely that in the face of environmental pressure or change, a species will have the right combination of genes to survive that pressure. Biodiversity is especially important today, at a time when the global climate is changing at an unprecedented speed and species are going extinct at an accelerated rate. In 1973, Congress passed the federal Endangered Species Act, recognizing that unique species “are of esthetic, ecological, educational, historical, recreational, and scientific value to the Nation and its people.”⁵⁹ The same year, New Jersey passed the NJ Endangered Species Conservation Act to protect endangered, threatened, and rare wildlife in the Garden State. The mission of the Division of Fish and Wildlife is to “protect and manage the State’s fish and wildlife to maximize their long-term biological, recreational, and economic values for all New Jerseyans.”

In the NJ Highlands, “[l]arge, unbroken tracts of forest are home to many species, especially large mammals such as black bear, bobcat, and river otter. The Highlands are a rich mosaic of habitats, the result of its many water bodies, rugged terrain, varied soils, and several forest types.”⁶⁰ Over 100 plants and nearly 50 animals that are listed as endangered, threatened, or species of special concern live in the Highlands.⁶¹ The Natural Heritage report identifies 41 wildlife species that are threatened, endangered, or species of special concern, and 43 species of rare plants within the Sparta Mt. WMA. Most of those species require intact interior forest habitat, not early successional habitat. Clear cutting destroys interior forest habitat. Given that it will take another 80 years to re-create the interior forest habitat destroyed by clear cutting, yet only 5 years to create early-successional forest, it seems incredibly short-

⁵⁷ N.J.S.A. § 13:1L-4.

⁵⁸ “State parks and forests” means all State owned or leased lands, waters and facilities administered by the Department of Environmental Protection, including, but not limited to, parks, forests, recreational areas, marinas, historic sites, burial sites, and natural areas, *but not including wildlife management areas* or reservoir lands. N.J.S. § 13: 1L-3.

⁵⁹ 7 U.S.C. § 136, 16 U.S.C. § 1531 et seq.

⁶⁰ New Jersey Forest Action Plan (2010).

⁶¹ *Id.*

sighted to destroy interior forest habitat needed by over a dozen RTE species on Sparta Mt. in order to create young forest habitat for a single species.

Question: What measures will the Division of Fish and Wildlife take to protect the majority of RTE species in the Sparta Mt. WMA that could be harmed by habitat destruction?

Question: What kind of species monitoring will the Division of Fish and Wildlife employ throughout the duration of the Sparta Mt. FSP?

Failure to disclose details on timber sales

The Sparta Mt. FSP displays a troubling lack of transparency regarding all aspects of prospective timber sales and contracts. At the Feb. 24th Hardyston town meeting, the Department of Fish and Wildlife representative repeatedly begged the public to “just trust” the agency because “nothing suspicious” was going on. The glaring lack of timber sale details in the plan, coupled with the department’s flippant dismissal of valid public concern and scrutiny is one of the primary reasons for widespread distrust of the Sparta Mt. FSP. It seems very unlikely indeed that NJDEP has not done any analysis of the costs and potential revenues of implementing the plan. That analysis should be disclosed to the public and clearly laid out in the plan.

The Sparta Mt. FSP makes contradictory statements in Section 3 regarding the socioeconomic impacts of forestry. On pg. 19, the plan claims that the timber will be sold as “locally sourced products” and that harvesting will create “green jobs.” Yet on pg. 18, the plan admits that “the absence of a viable market for forest products eliminates any income potential from wood products.”

In 2009, when the legislature amended the State Park and Forest Resources Act, enabling Forest Stewardship Plans and exempting them from compliance with the Highlands Act, it also amended Title 52, which regulates state government, departments, and officers. That amendment requires the government give preferential treatment in every contract for the purchase of wood or paper products to logging companies that harvested the lumber on Forest Stewardship land.⁶² In other words, the state has created a system whereby it selects the timber company that will clear cut the forest, and then rewards that company by purchasing its products. Perversely, this feedback loop encourages logging of New Jersey’s few remaining forests. This is especially distressing when Forest Stewardship Plans are increasingly being developed for public lands within the Highlands Preservation Area and acquired through the Green Acres program. It appears to be the goal of several State Senators to entice the timber industry into the New Jersey Highlands: “it is in the public interest to explore ways to create an economic market for forest products.”⁶³

Question: How much revenue does NJDEP estimate that the Sparta Mt. FSP will generate over the duration of the plan?

Question: How much does NJDEP estimate that the Sparta Mt. FSP will cost to implement over the duration of the plan?

⁶² 1. a. Notwithstanding the provisions of any other law to the contrary, the Director of the Division of Purchase and Property in the Department of the Treasury, the Director of the Division of Property Management and Construction in the Department of the Treasury, or any State agency having authority to contract for the purchase of goods or services, shall whenever possible give preference to wood or paper products derived from sustainably managed forests or procurement systems when entering into or renewing a contract for the purchase of such goods or related services.” NJ Rev Stat § 52:32-45(1)(a) (2013).

⁶³ Senate Committee Substitute for Senate, No. 1085 (May 17, 2012).

Question: Approximately, how much have timber sales from the clear cut sites on the 2009 Sparta Mt. FSP earned on the market?

Question: How many “green jobs” does NJDEP estimate the Sparta Mt. FSP will create?

Question: How will NJDEP ensure that the timber harvested from the Sparta Mt. FSP will be sold as “locally sourced products” in the “absence of a viable market” for forest products?

Question: How and when will logging companies be selected for timber harvesting contracts?

Declassifying Sparta Mountain’s status as a High Conservation Value Forest is unwarranted

The Sparta Mountain WMA has long been classified as a High Conservation Value (HCVF) Forest because of its “globally, regionally or nationally significant concentrations of biodiversity values.” At the same time as the Division of Fish and Wildlife released the Sparta Mt. FSP, it also announced its intention to remove Sparta Mountain's HCVF status classification for all of Sparta Mountain. The timing is curious. NJDEP's HCVF Assessment noted that the demotion was on account of “new” data gathered by NJ Audubon Society in August 2012. This “new” data is that NJ Audubon staff have “made no observations of RTE (Rare, Threatened, or Endangered) species and we removed HCV1 from our previous year’s assessment.”

Not only is it incredibly unlikely that a biological survey of the Sparta Mountain WMA would reveal no rare, threatened, or endangered species, that statement can be refuted by the Division of Fish and Wildlife’s own biologists. NJDEP Senior Zoologist, Sharon Petzinger, has attested to personally recording Red-shouldered hawks, least flycatchers, whip-poor-wills, and other rare birds within the Sparta Mountain WMA. The Sparta Mt. FSP itself states that “less common species have been documented on the property by others, many of which are labeled as threatened, endangered, or species of special concern.”⁶⁴ A more thorough consultation with NJDEP and evaluation of NJDEP records will undoubtedly reveal many more documented observations of rare, threatened, or endangered species on Sparta Mountain. Because NJDEP’s professed reason for removing Sparta Mountain's HCV1 status is clearly erroneous and not supported by evidence, it must retain Sparta Mountain as a High Conservation Value Forest.

It also seems counter-intuitive that Sparta Mountain would not be classified as HCV4: Forest areas that provide basic services of nature in critical situations (e.g. watershed protection, erosion control). Watershed protection is deemed critical when the forest “is part of a local drinking water catchment or irrigation supply system, or is a critical source for a remote location (i.e., water is pumped to a remote location).”⁶⁵ As discussed at length above, the entire Sparta Mountain WMA lies within the New Jersey Highlands Preservation Area, which is managed for the primary purpose of providing a source of drinking water for 70% of the state. HCV4, Question #2 asks: “Does all or part of the FMU play a ‘critical watershed role’ in protecting community drinking water supplies? If so explain which community and how to mitigate adverse effects of future management activity within FSC Forest Management Plan. Create a map depicting mandated management buffers.” New Jersey Audubon responds simply: “No, the community surrounding the FMU obtains the majority of its water through private wells not city water supplies.” While it is true that most residents near the Sparta Mt.

⁶⁴ Sparta Mt. FSP, pg. 19.

⁶⁵ Forest Stewardship Council HCV Assessment Framework, which DEP relies upon to make its determinations.

WMA use well water, forests function to filter water for surface water *and groundwater*. And as discussed above, surface water that originates in the Highlands is the primary drinking water supply for the rest of northern New Jersey. Unless NJAS has arbitrarily excluded the entire Newark area from the “community,” the sanctity of their drinking water supplies should be included in NJAS’ analysis, not summarily dismissed.

Question: What species surveys have been conducted in the Sparta Mt. WMA by NJDEP, NJAS, or other organizations since scoping for the 2009 Sparta Mt. FSP began?

Question: Have any of those surveys found evidence of rare plants, endangered and threatened wildlife, or species of special concern?

Question: If members of the public submit evidence to NJDEP of rare plants and animals within the Sparta Mt. WMA, how will the agency use that evidence to adapt the Sparta Mt. FSP before and after approval of the FSP?

‘Young Forest’ rhetoric is part of a larger, federal push to open forests to logging

NJDEP seems to be systematically taking land acquired through Green Acres, naming it a Wildlife Management Area, and then using the declining golden-winged warbler population as an excuse to create a Forest Stewardship Plan that calls for clearcutting. Sparta Mt. is just the tip of the iceberg. Unfortunately, the disturbing issue of private logging on public land is bigger than Sparta Mt., bigger than New Jersey. Identical rhetoric regarding the importance of creating young forest habitat out of older forest can be found across the nation. Generally, it seems the impetus behind the abrupt change in forest management priorities can be traced to the U.S. Forest Service, U.S. Fish and Wildlife, a coalition of hunters in the U.S. House of Representatives, and the Ruffed Grouse Society and its sister groups. In May 2015, the Ruffed Grouse Society filed a Petition for Rulemaking with the U.S. Department of Agriculture and the U.S. Forest Service. The petition was an attempt to change the federal agencies’ policies in a way that would prioritize their vision of a young forest initiative.⁶⁶

In addition to their attempts to shift the policy of the federal administrative agencies, the Ruffed Grouse Society made a simultaneous bid to change federal law. On June 24, 2016, the Ruffed Grouse Society spoke at a Congressional briefing hosted by the Congressional Sportsmen Foundation regarding their proposed legislation, the Resilient Federal Forests Act of 2015, HR 2647. The proposed legislation is designed to “dramatically enhance the ability of the U.S. Forest Service to sustain the young forest habitats required by ruffed grouse.”⁶⁷ January 2016, the U.S. Fish and Wildlife initiated a proposal involving six states – Massachusetts, Connecticut, Maine, New Hampshire, New York, and Rhode Island – and encompassing about 30,000 acres of forest deemed to be too old.⁶⁸

Wisconsin is ground zero for young forest initiatives, where the Ruffed Grouse Society and the U.S. Forest Service have completely captured the state’s forest policy. Since 2010 when the Ruffed Grouse Society began funneling funds into the state’s young forest plans, it has contributed over \$376,000 to 85 projects, eliminating 8,704 acres of older forest. Their efforts have been matched in Wisconsin with over \$1 million from other agencies and

⁶⁶ Justin Stakes, *Ruffed Grouse Society Petitions U.S. Forest Service to Sustain Young Forest Habitat*, Ammoland Shooting Sports News (May 19, 2015), <http://www.ammoland.com/2015/05/ruffed-grouse-society-petitions-u-s-forest-service-to-sustain-young-forest-habitat/#axzz43SdxeGwM>.

⁶⁷ Justin Stakes, *Ruffed Grouse Society Speaks Out for Forest Wildlife in Congress*, Ammoland Shooting Sports News (June 29, 2015), <http://www.ammoland.com/2015/06/ruffed-grouse-society-speaks-out-for-forest-wildlife-in-congress/#axzz43SdxeGwM>.

⁶⁸ Kathleen Conti, *2,000 Acres in Plymouth, Mashpee Eyed for National Wildlife Refuge*, The Boston Globe (Feb. 19, 2016), <https://www.bostonglobe.com/metro/regionals/south/2016/02/19/acres-plymouth-mashpee-eyed-for-national-wildlife-refuge/W1719pZhFR9VdDc4LiYQOI/story.html>.

organizations, including the U.S. Forest Service, the Wisconsin Department of Natural Resources, and various counties. This year alone, the Ruffed Grouse Society and their “partners” are providing over \$210,000 to fund 15 Forest Stewardship Plans in Wisconsin to “enhance” over 880 acres of forest.⁶⁹

We are seeing similar language propagated in other states’ forest policy along the east coast. In March 2016, the public comment period closed for a U.S. Fish and Wildlife Service plan to acquire 2,000 acres of land in Plymouth and Cape Cod, Massachusetts to be converted to young forest. “The goal of the proposed refuge is to increase the scope of federally protected areas to keep shrublands and young forests from disappearing due to development or overmaturation.” The acquisition is part of the larger federal plan involving all of New England, discussed above.⁷⁰ In Virginia, young forest initiative being pushed by a new group called the Virginia Wildlife Habitat Coalition, which is made up of hunting groups including the Ruffed Grouse Society. They consider the U.S. Forest Service and the state environmental committee “partners” in their efforts.⁷¹ And in Georgia, the new young forest initiative has also been traced to lobbying efforts by the Ruffed Grouse Society.⁷²

Here in New Jersey, we first saw “young forest” language begin to appear around 2010, and then again in 2013. In 2015, the state legislature passed a new Healthy Forests Act⁷³ pertaining to management of State forest lands, but was vetoed by the Governor because he didn’t think that certification of Forest Stewardship Plans by the Forest Stewardship Council should be mandatory.⁷⁴ Environmental organizations opposed the bill based on concerns that the bill would open State forests to commercial logging. It is quite telling that the Sparta Mt. FSP repeatedly mentions the ruffed grouse and pays specific attention to this particular species, even though the ruffed grouse is a species of least concern in New Jersey.

New Jersey seems to be at a crossroads in forest policy. Some see our public forests as an opportunity for private profit. The rest of us see forests as the key to clean water, as the lungs of the earth, as shelter to 80% of the worlds terrestrial biodiversity, and as our own home.

We Lake Tamarack residents urge NJDEP to reject the current Sparta Mt. FSP for the reasons explained above, and we look forward to your published responses to our questions and comments.

Thank You,

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⁶⁹ Jane Fyksen, *Record Habitat Funds from Ruffed Grouse Society*, Agri-view (march 9, 2016), http://www.agriview.com/briefs/regional/record-habitat-funds-from-ruffed-grouse-society/article_046133f6-4b44-5117-9946-929acb7c529d.html.

⁷⁰ Kathleen Conti, *2,000 Acres in Plymouth, Mashpee Eyed for National Wildlife Refuge*, The Boston Globe (Feb. 19, 2016), <https://www.bostonglobe.com/metro/regionals/south/2016/02/19/acres-plymouth-mashpee-eyed-for-national-wildlife-refuge/W1719pZhFR9VdDc4LiYQOI/story.html>.

⁷¹ Bill Cochran, *New Group Advocates More Young Forest Habitat*, Bristol Harold Courier (July 24, 2015), http://www.heraldcourier.com/outdoor/new-group-advocates-more-young-forest-habitat/article_3cd5db8a-3219-11e5-821c-77e2ed065006.html.

⁷² Dan Chapman, *U.S. Forest Service Wants to Thin North Georgia Forest*, The Washington Times (Jan. 29, 2016), <http://www.washingtontimes.com/news/2016/jan/29/us-forest-service-wants-to-thin-north-georgia-fore/?page=all>.

⁷³ (S2034/A1775); (S1085).

⁷⁴ Sandy Perry, *Environmental groups withdraw support of forestry bill after Governor removes safeguards*, New Jersey Conservation Foundation (Aug. 21, 2013); <http://www.njconservation.org/pressreleases/ShowPressRelease.cfm?prid=84>.

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