

NEWS RELEASE

Public Information Department
County of Warren
www.co.warren.nj.us



Commissioners Unanimously Oppose Proposed Forestry Stewardship Bills

(WHITE TOWNSHIP, NJ – May 12, 2021) – Saying it would be an unfunded mandated on local governments, the Warren County Board of County Commissioners went on record “strongly opposing” state legislation that would require Forest Stewardship Plans for some municipal properties.

The commissioners adopted a resolution urging opposition to A-4843/S-3549, the New Jersey Assembly and Senate bill that would require local governments to develop Forest Stewardship Plans (FSPs) for all public forest land of 25 acres or more that a municipality had acquired for conservation and recreation under the Green Acres Program.

“These proposed bills do little to help our forests and woodlands in New Jersey and unfortunately would do more harm than good,” said Commissioner Director James R. Kern III. “Aside from the environmental concerns these bills pose, the unfunded mandates to counties and municipalities are unacceptable. Trenton should not create a financial barrier that would prevent communities from preserving more land,” Kern remarked.

Moreover, while the municipality would have the pay for the FSP to be developed, it would not have control of the contents of the plan or how it is followed. The bill would prohibit a local government unit from enacting any ordinance, rule, or resolution that requires local government approval of an FSP or that conflicts with, prevents, or impedes the implementation of an FSP approved by the NJ Department of Environmental Protection, as DEP rules would supersede any municipal ordinance adopted prior to the effective date of the bill.

“These bills would eliminate public participation from forest management plans,” Kern said, adding, “Many of these areas use public funds, and to restrict comments would be a terrible decision and lack transparency. I hope these bills are pulled and all relevant stakeholders are brought to the table to better discuss how we can preserve these vital resources.”

“The state continues to push the financial burden on to local governments with unfunded mandates like these. State government cannot continue to take the voices away from the public while continuing to increase their financial burden,” said County Commissioner Jason J. Sarnoski.

“The state needs to take a step back and realize they cannot continue to push unfunded mandates on local governments, especially when they are denying any public input,” added County Commissioner Lori Ciesla.

The County Commissioners fear that the proposal as written would result in FSPs that lead to more logging on open space properties, diminishing the recreational experiences of both residents and tourists, and degrading the ecosystems of the forests.

###

RESOLUTION 243-21

On motion by Mr. Sarnoski, seconded by Ms. Ciesla, the following resolution was adopted by the Board of County Commissioners of the County of Warren at a meeting held May 12, 2021.

RESOLUTION OPPOSING NEW JERSEY STATE ASSEMBLY AND SENATE FOREST MANAGEMENT BILLS A-4843/S-3549, A-4844/S-3550 AND A-4845/S-3548

WHEREAS, Forest Stewardship Plans (FSPs) approved pursuant to Section 3 of P.L. 2009, c. 256 (C.13:1L-31), are exempt from all regulations of the Highlands Regional Master Plan including logging and water body rules; and

WHEREAS, the New Jersey State Senate and Assembly have introduced bill A-4843/S-3549, which would require local governments to develop FSPs for all public forest land of 25 acres or more owned by the municipality that had been acquired for conservation and recreation under the Green Acres Program; and

WHEREAS, the FSPs would need to be researched, developed and submitted by a trained Forester and the Municipality, at the Municipality’s cost; and

WHEREAS, bill A-4843/S-3549 does not provide any funds for compliance and, therefore, amounts to an unfunded mandate; and

WHEREAS, the financial pressure caused by this unfunded mandate would force the Municipality to consider and institute one or more actions, each of which would have one or more negative impacts on the fiscal, environmental and social health of the community. Among those potential actions are, increasing taxes, reducing services, reducing Municipal employees and engaging heavily in the logging of our public land which would also expose our forest ecosystems to invasive plant and insect species, while risking degradation of our soil and water

quality, which would force the Municipality to incur additional costs to provide clean water to residents and commercial entities within the Municipality; and

WHEREAS, non-profit land trusts that also manage land in the County of Warren for public enjoyment, that struggle to secure adequate funding for land stewardship would be at a loss to pay for the preparation and implementation of required FSPs which could result in bankruptcy and/or loss of their land; and

WHEREAS, the FSPs required under A-4843/S-3549 are not the appropriate approach for protecting New Jersey's forests, nor enhancing the ecosystem services; clean water, clean air, flood mitigation, carbon sequestration they afford us. When written and reviewed by foresters these stewardship plans typically emphasize logging and the extraction of wood products, which is a drastic measure and is not appropriate management for most if not all public forests; and

WHEREAS, logging will reduce New Jersey's ability to sequester carbon and make it more difficult to achieve the greenhouse gas emissions reductions target in the NJ Global Warming Response Act; and

WHEREAS, logging will result in more stormwater runoff and more silt and pollution in our waterways while also causing environmental damage to wetlands, waterways, and forest habitats. Logging will limit access to public forested land; and

WHEREAS, logging will contribute to long-term degradation of local hiking trail networks by introducing new avenues for illegal off-road vehicles and ATVs to access public land, exacerbating a severe problem, which NJDEP and Park Police are already struggling to control; and

WHEREAS, logging would diminish the recreational experiences of both residents and tourists, the former could lose property values while the latter are important to the economic health of the County; and

WHEREAS, tourists of the County of Warren can easily opt to visit neighboring parks across the NY State line, where aggressive logging is not practiced.

WHEREAS, should the State of NJ or any other public or private entity provide funds for FSPs and eliminate the unfunded mandate issue, the County of Warren still opposes A-4843/S-3549 for all the other reasons stated herein; and

WHEREAS, the New Jersey State Senate and Assembly have introduced bill A-4844/S-3550, which provides that county approval is not required for FSPs. The bill would also prohibit a local government unit from enacting any ordinance, rule, or resolution that requires local government approval of an FSP or that conflicts with, prevents, or impedes the implementation of an FSP approved by the DEP. The bill would also provide that the DEP's rules would supersede any county ordinance adopted prior to the effective date of this bill; and

WHEREAS, Current law (Section 6 of P.L.2009, c.256 (C13:1L-34) states: No local government unit may enact, on or after the date of enactment of P.L.2009, c.256 (C. 13:1L-29 et al.), 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 (C13:1L-31). A-4844/S-3550 extends these restrictions to any ordinance, rule, or resolution that requires local government approval of a forest stewardship plan. Therefore, this bill ensures that all forest stewardship plans required under companion bill A-4843/S-3549 are included in this set of already highly restrictive limits on municipalities and prevents them from having any control over NJDEP FSPs; and

WHEREAS, current law already restricts municipal oversight of NJDEP approved FSPs but has not impacted many municipalities as FSPs are not required and municipalities manage open space land through local ordinances. The enactment of A-4843/S-3549 will replace many ordinances with FSPs and many municipalities will lose total control over their forested lands and be unable to stop them from being logged; and

WHEREAS, there are no penalties associated with damages caused by FSPs. Replacing ordinances with FSPs would take away the authority of local governments to ensure private companies or individuals are not impacting environmentally sensitive areas or threatened or endangered species or creating disturbances close to stream corridors; and

WHEREAS, bill A-4844/S-3550 is a violation of home rule principles and the principles behind municipal land use laws throughout New Jersey's legislative and judicial history; and

WHEREAS, bill A-4845/S-3548 sets a Statewide goal of conducting prescribed burns on a minimum of 50,000 acres in the Pinelands area, and an additional 10,000 acres elsewhere in the State, every year; and

WHEREAS, bill A-4845/S-3548- requires burning about 6% of New Jersey's entire public forested land every year (In 17 years an area equivalent to all of New Jersey's public forests will have been burned); and

WHEREAS, there is no supporting scientific justification offered for burns of the magnitude required by bill A-4845/S-3548. Requiring a burn of 10,000 acres anywhere in the state outside the Pinelands is irresponsible, dangerous, costly, and wholly without merit; and

WHEREAS, decisions to conduct controlled forest burns of specific sizes should be based on scientific analysis of specific situations in specific areas each year and not predetermined for all time by law; and

WHEREAS, burning forests increases greenhouse gas emissions and air pollution, both of which are already significant problems throughout New Jersey; and

WHEREAS, the Prescribed Burns Act does not properly address air pollution and it limits liability if these fires get out of control; and

WHEREAS, controlled burns are expensive to execute and bill A-4845/S-3548 also causes additional expenditures by requiring all relevant State agencies involved in environmental planning and land use management to incorporate the yearly minimum burns into all plans, programs, and surveys.

NOW, THEREFORE, BE IT RESOLVED that the County Commissioners of Warren County, in the interest of protecting its residents, businesses and institutions, and controlling its public open spaces to optimize its value as a source of recreation and public enjoyment, as of April 7, 2021, strongly opposes New Jersey State Assembly and Senate Forest Management Bills A-4843/S-3549, A-4844/S-3550 and A-4845/S-3548.

BE IT FURTHER RESOLVED, that certified copies of this Resolution shall be forwarded to the Governor of the State of New Jersey Phil Murphy, Commissioner of the NJ Department of Environmental Protection, State Senator Bob Smith, State Assembly Speaker Craig Coughlin, State Senator Steven V. Oroho, Senator Michael J. Doherty, State Assemblyman Parker Space, Harold J. Wirths and John DiMaio, New Jersey Forest Watch (newjerseyforestwatch@gmail.com), Warren County Municipalities, League of New Jersey Municipalities, and NJ Advance Media.

RECORDED VOTE: Ms. Ciesla yes, Mr. Sarnoski yes, Mr. Kern yes