

New Jersey Sierra Club - New Jersey Environmental Federation - Food and Water Watch
Delaware Riverkeeper Network - Environment New Jersey - Sourlands Planning Council

June 28, 2013

The Honorable Christopher Christie
Office of the Governor of New Jersey
PO Box 001
Trenton, NJ 08625

Re: S1085/A2837- Veto Request

Dear Governor Christie

The undersigned organizations have serious concerns with S1085/A2837 and request that you veto this legislation. S1085/A2837 would allow for commercial logging on some of the most environmentally sensitive public lands in New Jersey. Under the bill the forestry plans for our state lands would be unenforceable and logging operations may not cover the cost of the program. Your administration and previous Governors have spent billions of dollars to preserve lands recognized for exceptional conservation and recreational values and this bill would undermine the public trust, public access, and the long term protection of those resources. Our forests are used for recreational purposes such as fishing, hiking, birding, and mountain biking and closing off large areas for logging would interfere with those uses.

This bill creates an open season on our open spaces, forests, and public lands. The bill does not include adequate protections for natural resources and has no enforcement. The bill ties the forest stewardship plans for public lands to the guidance documents of the Forest Stewardship Council (FSC), an outside, non-governmental group. The FSC guidances would still allow logging in sensitive areas such as wetlands and steep slopes and the DEP has stated they will not enforce the FSC guidelines in a June 10th letter to legislators.

Further, the DEP is not required to adopt the FSC guidelines under the legislation and therefore they are again unenforceable. Due to recent changes in New Jersey law, guidance documents are only enforceable if they go through Administrative Procedure Act rule making. The legislation does not require DEP to do this for the FSC guidances and again DEP has stated they will not voluntarily comply with the standards. The recent litigation on the DEP Waiver Rule confirmed this when Sierra Club and other plaintiffs had the DEP guidance documents for the Waiver Rule overturned because they had not gone through the APA procedures. Also New Jersey law prohibits guidance documents from independent groups from being used as regulations and the FSC is an independent, non-governmental organization.

Currently there is only one organization in the entire state certified to produce FSC plans. There is no diversity in the market so there would be no competition to develop the best forest stewardship plan for each State Park. No other firms could respond to a Request for Proposals to create the plans and the one certified organization could charge more, potentially exceeding the \$2.7 million needed to cover the program's costs as estimated by the Office of Legislative Services. The legislation requires a plan be developed for each park and with only one group

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writing plans there would be a log jam and it is unclear how long it would take to generate the revenue to cover the programs \$2.7 million price tag.

Again, commercial loggers would have to cut down \$2.7 million worth of trees on our state lands before any money would go towards the General Fund. However there has been no financial analysis to determine how long it would take to generate that amount, how many acres would have to be logged, or what the wood will sell for on the market. We are concerned because there have been projects in the past where we believe the state did not receive the full price for forest resources- being paid \$75 per tree for oaks that sold on the market for over \$2000. Without a financial analysis this could happen again under this bill.

This legislation could also impact the future acquisition of open space as part of mitigation for diversions. There is no language in the bill prohibiting this logging program from being used by private companies for mitigation projects on public lands. Instead of purchasing replacement land, polluters and developers could use this program to do mitigation in our state parks.

New Jersey's forests have been recognized nationally and internationally as important, whether it is the Pinelands National Reserve and UN Biosphere Reserve, the Highlands recognized as nationally significant with the federal Highlands Conservation Act or designation of the Delaware River in the Skylands region as Wild and Scenic by the Department of Interior. These forests are not just state but national and international treasures. We urge you to keep commercial logging operations out of these unique and sensitive areas by vetoing S1085/ A2837.

Thank you for considering these comments.

Sincerely,

Jeff Tittel, Director, New Jersey Sierra Club

Julia Allen, Mayor, Readington Township

Dave Pringle, Campaign Director, New Jersey Environmental Federation

Jim Walsh, Eastern Region Director, Food and Water Watch

Maya van Rossum, the Delaware Riverkeeper, representing Delaware Riverkeeper Network

Doug O'Malley, Interim Director, Environment New Jersey

Caroline Katmann, Executive Director, Sourlands Planning Council