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RICHARD PRICKETT
 Chairman
 SUSAN R. GROGAN
 Acting Executive Director

MEMORANDUM

To: Members of the Pinelands Commission

From: Charles M. Horner, P.P. *C.M.H.*
 Director of Regulatory Programs

Date: October 1, 2021

Subject: Pinelands Application # 1990-0868.033
 Block 48, Lots 1 & 2
 Block 49, Lot 12
 Bass River Township

Attached please find an October 1, 2021 Re-Amended Public Development Application Report for the spot treatment of herbicide to control invasive plant species within 16.4 acres that were previously cleared to restore visibility from the Bass River State Forest fire observation tower. For ease of reference, the amended language in the Re-Amended Report is bolded.

A Report was previously issued to the New Jersey Department of Environmental Protection (NJDEP), Division of Parks and Forestry, for this application on June 17, 2021. The Report recommended approval of the proposed use of herbicides as necessary during the 10 year permit period that would be associated with Commission approval of the application. The application was to be considered at the Commission's July 9, 2021 monthly meeting. That monthly Commission meeting was cancelled. The application was thereafter discussed at the Commission's August 13, 2021 monthly meeting. Based upon questions that were raised at the August 13, 2021 Commission meeting, the applicant agreed that the application would be further considered at the Commission's September 10, 2021 meeting.

NJDEP amended the application and an Amended Report was issued by the Commission staff on September 9, 2021. The Commission considered the Amended Report at its September 10, 2021 meeting. The application did not receive the eight votes necessary for Commission approval.

By e-mail dated September 28, 2021, the NJDEP requested an extension of time until October 9, 2021 for the Pinelands Commission to act on this application. The Commission's Acting Executive Director agreed to the extension of time.

The NJDEP has further amended and supplemented the application.

NJDEP has now further amended the application. The amendments, as discussed in the October 1, 2021 Re-Amended Report, limit the validity of the Commission's permit to 5 years, with a possible 9 month extension if necessary due to weather conditions. The amendments reiterate that all herbicides must be expressly labeled for forestry use and used and mixed consistent with State and Federal requirements. Finally, the amended application now specifies that NJDEP will provide yearly reports to the Commission documenting and addressing the extent to which herbicide application is facilitating natural regeneration.

The NJDEP has also supplemented the application to include additional information addressing why the control of competitive plant species by other non-chemical means is not practical and to expand on the meaning of the term "spot application" of herbicides. The October 1, 2021 Re-Amended Report includes a summary of this information.

With respect to the replanting of seedlings, as part of the Commission's approval of the application for tree clearing to restore visibility from the Bass River State Forest fire observation tower (App. No 1990-0868.031), the applicant proposed re-planting and natural re-vegetation in the 16.4 acres proposed to be cleared. The applicant has indicated that following continued monitoring of the 16.4 acres for natural re-vegetation, replanting may be necessary.