



State of New Jersey

THE PINELANDS COMMISSION

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PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

March 22, 2019

New Jersey Department of Environmental Protection
Division of Parks and Forestry
New Jersey State Forest Fire Service
501 East State Street
P.O. Box 420
Mail Code 501-04
Trenton, NJ 08625-0420

Re: Application # 1990-0868.031
Bass River State Forest Fire Tower
Block 48, Lots 1 & 2
Block 49, Lot 12
Bass River Township

Dear Applicant:

The Commission staff has completed its review of this application for tree clearing to restore visibility from the Bass River State Forest fire tower. Enclosed is a copy of a Public Development Application Report and Certificate of Appropriateness. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its April 12, 2019 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

A copy of this Public Development Application Report and Certificate of Appropriateness is being provided to any persons who provided written and/or verbal public comments regarding this application and who also provided either a mailing address or an email address.

Public comments on this application have raised questions regarding possible alternatives to the need for future tree clearing for fire towers. Our staff will contact the New Jersey Department of Environmental Protection to further discuss these alternatives.

Please do not hesitate to contact me with any questions.

Sincerely,



Charles M. Horner, P.P.
Director of Regulatory Programs

- Enclosures: Appeal Procedure
Written public comments (52)
Documents submitted by the public (9)
- c: Secretary, Bass River Township Planning Board (via email)
Bass River Township Construction Code Official (via email)
Secretary, Burlington County Planning Board (via email)
Jeremy A. Webber, Assistant State Firewarden (via email)
Cynthia Coritz (via email)
Dianne Worthington (via email)
Carol Bitzberger (via email)
Kathy Gardiner (via email)
Riki Losiewicz (via email)
Rose Sweeney (via email)
Mike Wilburt (via email)
William Chadwick (via email)
Tom Doherty (via email)
Jeff Tittel (via email)
Christopher Brower (via email)
Richard Buzby (via email)
Rhyan Grech (via email)
Bill Brash (via email)
John Waldrop (via email)
Neil Alzamora (via email)
John Speece (via email)
Michelle Fox (via email)
Alison Hall (via email)
Sharon Tuscano (via email)
Bruce Roop (via email)
Donetta Waldrop (via email)
Erica DiUlio (via email)
Nancy Reid (via email)
Katharine LaRocca (via email)
Eileen Brower (via email)
Nicole Babcock (via email)
Lindsey Wasiuta (via email)
Gale Labor (via email)
Robert Graffin (via email)
Lizabeth Carl (via email)
Jeremy Price (via email)

Scott Wardenski (via email)
Laura Phillips (via email)
Dawn Markoski (via email)
Ben Wurst (via email)
Karl Swanseen (via email)
Edward Lynch (via email)
Arthur Abline (via email)
William Cromartie (via email)
Benjamin Brower (via email)
Robyn and Jeffrey Firth (via email)
Todd Tally (via email)
Jason Hoger (via email)
Dana Austin (via email)
Amy Rasmussen (via email)
Maria Cody (via email)
Julie Berghoff (via email)
Ed Kanitra (via email)
Laura Rasmussen (via email)
Rocquel Barretto (via email)
Sarah Foti (via email)
Marcia Evans (via email)
Ronald Valentine (via email)
Karren Amon (via email)
Ted Paul (via email)
James Casson (via email)
Marlena Carlis (via email)
John Steedle (via email)
Paul Smikovecus (via email)
Susan Hughes (via email)
Candace Fykes (via email)
Randy DePasquale (via email)



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SEAN W. EARLEN
 Chairman
 NANCY WITTENBERG
 Executive Director

**PUBLIC DEVELOPMENT APPLICATION REPORT
 AND CERTIFICATE OF APPROPRIATENESS**

March 22, 2019

New Jersey Department of Environmental Protection
 Division of Parks and Forestry
 New Jersey State Forest Fire Service
 501 East State Street
 P.O. Box 420
 Mail Code 501-04
 Trenton, NJ 08625-0420

Application No.: 1990-0868.031
 Bass River State Forest Fire Tower
 Block 48, Lots 1 & 2
 Block 49, Lot 12
 Bass River Township

This application proposes the clearing of 16.4 acres of trees on the above referenced 435.3 acre parcel located in Bass River State Forest in Bass River Township. The 86 foot tall Bass River State Forest fire tower is located on the parcel. The purpose of the tree clearing is to restore visibility in all directions from the fire tower.

The applicant represents that the fire tower covers an area of visibility of approximately 200 square miles for detecting and suppressing wildfire. The applicant further represents that due to obstructed views from the fire tower, a public safety threat is currently posed to numerous municipalities, individual communities such as New Gretna, Ocean Acres, Smithville, Tuckerton and the Garden State Parkway.

The 16.4 acres proposed for the tree clearing are comprised of eight separate forested areas surrounding the fire tower. All trees within the eight areas will be removed. The eight areas range in size from one acre to four acres. All eight areas are located within approximately 1,400 linear feet of the fire tower and contain trees in excess of 90 feet tall.

An application for tree clearing of 2.7 acres immediately adjacent to the Bass River fire tower to improve visibility was approved by the Commission in 1995 (App. No. 1995-1054.001).

An application for tree clearing of the same 16.4 acres subject of the current application was previously completed with the Commission. On June 22, 2018, the Commission staff issued a “Public Development Application Report and Certificate of Appropriateness” recommending approval of that application. The application was considered at the Commission’s July 13, 2018 monthly meeting. At that meeting, no

action was taken on the application as it did not receive the required minimum of eight votes for either approval or denial. Based upon the regulations contained in the Pinelands Comprehensive Management Plan (CMP, N.J.A.C. 7:50-4.56), because no action was taken, the application was forwarded to the New Jersey Office of Administrative Law for a hearing. Thereafter, by letter dated October 10, 2018, the New Jersey Department of Environmental Protection withdrew the application from the Commission.

On January 25, 2019, the current application was submitted to the Commission proposing the clearing of the same 16.4 acres as proposed in the prior application. The current application proposes the tree clearing as forestry. The CMP definition of forestry specifically excludes the removal of trees for public safety. It is the Commission staff's judgment that the primary purpose of the proposed tree clearing is public safety. Accordingly, the Commission staff reviewed the application as proposed tree clearing for public safety.

The proposed tree clearing is required to meet all standards contained in the CMP. If the applicant demonstrates that the proposed tree clearing meets all CMP standards, the CMP does not require the applicant to demonstrate whether there is an alternative that results in less tree clearing. Notwithstanding this fact and for informational purposes only, the current application addresses certain alternatives to the proposed tree clearing.

The current application also incorporates responses to questions that were posed by the Pinelands Commissioners to the New Jersey Department of Environmental Protection during the review of the prior tree clearing application that was subsequently withdrawn.

STANDARDS

The Commission staff has reviewed the proposed tree clearing for consistency with all standards of the CMP. The following reviews the CMP standards that are relevant to this application:

Land Use (N.J.A.C. 7:50-5.22)

The 435.3 acre parcel is located partially in the Pinelands Preservation Area District (405.2 acres), partially in a Pinelands Rural Development Area (18.8 acres) and partially in a Pinelands Village (11.3 acres). The fire tower and the proposed tree clearing are located in the Pinelands Preservation Area District portion of the parcel. The fire tower is a permitted land use both as a structure that existed prior to the 1981 effective date of the CMP and as an accessory structure to Bass River State Forest.

Vegetation Management Standards (N.J.A.C. 7:50-6.23)

The CMP (N.J.A.C. 7:50-6.23(a)) requires that the proposed tree clearing be limited to that which is necessary to accommodate the use of the fire tower. Based upon a Commission staff site inspection, including observation from the fire tower, the proposed tree clearing is limited to that which is necessary to accommodate the use of the fire tower. The CMP (N.J.A.C. 7:50-6.23(b)) also requires that, where practical, all clearing activities associated with a permitted use shall avoid wooded areas. The applicant has demonstrated that it is not practical to avoid clearing the wooded areas to allow for the continued use of the existing fire tower.

After the proposed tree clearing, the application proposes site preparation of the 16.4 acres by drum chopping and wood disking. The application does not propose the use of herbicides.

After site preparation, the application proposes replanting of native tree seedlings and natural revegetation from the existing soil seedbank in the 16.4 acres proposed to be cleared.

Threatened and Endangered Species Standards (N.J.A.C. 7:50-6.27 & 6.33)

Available information identifies known sightings of threatened and endangered (T&E) animal and plant species in the vicinity of the proposed tree clearing. The Commission staff reviewed the proposed tree clearing to determine whether it was designed to avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E animal species and irreversible adverse impacts on the survival of any local populations of T&E plant species. The New Jersey Department of Environmental Protection Endangered and Nongame Species Program staff also reviewed the proposed tree clearing to determine impacts on T&E animal and plant species.

To avoid potential irreversible adverse impacts on habitats that are critical to the survival of any local populations of Barred owl, prior to undertaking the proposed tree clearing, the applicant proposes to conduct visual surveys to identify and mark any trees containing potential cavities or nests for this T&E avian species. Any trees containing potential Barred owl cavities or nests will be marked and left standing.

To avoid any irreversible adverse impacts on habitats that are critical to the survival of any local populations of Northern pine snake or Timber rattlesnake, the applicant will utilize low ground pressure tree cutting equipment between November 1 and April 31. This will avoid the possibility of crushing potential snake dens. In addition, the applicant will undertake site preparation activities (e.g. drum chopping and wood disking) between May 16 and September 30. This will also avoid impacts to snakes in any potential dens in the area.

The proposed tree clearing and site preparation activities are designed to avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E animal species.

To avoid any potential irreversible adverse impact to any local population of Broom crowberry, a CMP designated T&E plant species, the applicant proposes to conduct a visual survey in the eight areas prior to tree clearing. Any identified population of Broom crowberry will be left undisturbed.

The proposed tree clearing and site preparation is designed to avoid irreversible adverse impacts on the survival of any local populations of T&E plant species.

Cultural Resource Standards (N.J.A.C. 7:50-6.151)

The 16.4 acres proposed for tree clearing are part of pine plantations established in Bass River State Forest between the years 1933 and 1942 by the Civilian Conservation Corps (CCC). The New Jersey Historic Preservation Office (NJHPO) determined in 2004 that Bass River State Forest was eligible for designation on the New Jersey and National Register of Historic Places as the Bass River State Forest Historic District (BRFHD). The NJHPO made this determination of eligibility based upon the Bass River State Forest's association with Franklin D. Roosevelt's New Deal CCC program. Approximately 4,500 acres of trees were planted in Bass River State Forest by the CCC.

In accordance with the CMP (N.J.A.C. 7:50-6.154), the Commission staff has determined that the trees proposed for removal constitute a significant historic resource. The CMP (N.J.A.C. 7:50-6.156) requires that a Certificate of Appropriateness be issued by the Commission that identifies the required treatment of

significant historic resources from among three alternatives: preservation of the resource in place, if possible; preservation of the resource at another location, if preservation in place is not possible; or recordation.

Based upon review of the application, the Commission staff has determined that preservation in place is not technically feasible because obscuring the line of sight from the Bass River Fire Tower will result in a risk to public safety. Preservation at another location, a treatment that could be required for certain historic resources such as a building, is also not feasible in this instance due to the nature of the resource.

The Commission staff has determined that recordation is the appropriate treatment of the significant historic resource. This Certificate of Appropriateness requires recordation of the significant historic resource in accordance with the CMP (N.J.A.C. 7:50-6.156(c)). Recordation will be accomplished through a combination of photo-documentation prior to and subsequent to tree removal, GIS mapping, updating of known documentary records on CCC planted stands, and, if appropriate, interpretive signage.

No disturbance will occur greater than six inches below the ground surface. Based upon its review, the Commission staff determined that, since the proposed tree clearing will result in minimal ground disturbance, a cultural resource survey was not required.

The Forest Fire Service represented that NJHPO recommended planting of tree seedlings that would maintain the character of the historic pine plantations. The applicant proposes to replant the area after clearing with native tree seedlings and allow for natural revegetation from the existing soil seedbank.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Newspaper public notice was completed on January 24, 2019. Notice to land owners within 200 feet of the 16.4 acres proposed for tree clearing was completed on January 25, 2019. The application was designated as complete on the Commission's website on February 11, 2019. The Commission's public comment period closed on March 8, 2019.

The Commission received 52 written public comments (attached) regarding the application. At the Commission's March 8, 2019 monthly meeting, 19 oral public comments were offered. A list of all public commenters is provided at the end of this section of the Public Development Application Report and Certificate of Appropriateness. In addition, 9 documents (attached) were submitted by the public for consideration regarding this application.

The Commission staff appreciates the interest in the Pinelands Area of all members of the public who offered the following comments regarding this application:

- I. **Public Comments Regarding Visual, Aesthetic and Recreational Value Impacts to the Forest.** (Commenters: D, E, H, J, L, O, R, 1, 5, 8, 9, 10, 12, 13, 14, 15, 16, 18, 20, 21, 22, 23, 24, 25, 26, 28, 30, 33, 34, 36, 38, 39, 40, 41, 42, 44, 47, 48, 49, 50 & 52)

Staff Response: As a regional land use plan covering approximately 938,000 acres, the CMP establishes approximately 552,000 acres (Pinelands Preservation Area District and Pinelands Forest Area) as conservation oriented land management areas. These conservation oriented land management areas serve to protect the overall visual, aesthetic and recreational values of the Pinelands Area. On an application by application basis, the CMP regulates impacts to visual, aesthetic and recreational value via the CMP vegetation management standards. For this

application, the vegetation management standards of the CMP (N.J.A.C. 7:50-6.23(a)) require that the proposed tree clearing be limited to that which is necessary to accommodate the use of the fire tower. Prior to submission of an application to the Commission, in early 2018, the applicant considered tree clearing of approximately 81 acres in the vicinity of the fire tower. That acreage of tree clearing was reduced to the currently proposed 16.4 acres. Based upon a Commission staff site inspection, including observation from the fire tower, the proposed 16.4 acre tree clearing is limited to that which is necessary to accommodate the use of the fire tower. The applicant has demonstrated that to continue the use of the existing fire tower, it is not practical to avoid the clearing of wooded areas (N.J.A.C. 7:50-6.23(b)). The applicant proposes the replanting of the cleared acreage with native tree seedlings.

II. Public Comments Regarding Use of Alternative Technologies. (Commenters: F, G, H, J, L, O, R, 1, 2, 5, 8, 10, 12, 13, 14, 15, 16, 17, 27, 29, 30, 31, 45 & 52)

Staff Response: The proposed tree clearing meets the standards of the CMP. The CMP does not require the applicant to address alternative technologies or feasible alternatives for this application. The CMP specifically requires the consideration of alternatives in a very few instances including waivers of strict compliance, memoranda of agreements and linear improvements in wetlands.

Various alternatives to the proposed tree clearing were identified during public comment. Identified alternatives included the use of drones, camera systems and satellites.

Although not required by the CMP and for informational purposes only, the current application addressed certain alternative options to the proposed tree clearing. The applicant has concluded that “(w)hile all of the options provide some utility for fire detection and could supplement the fire tower’s system, none can provide all of the benefits and advantages in protection of public health and safety that the tower provides in New Jersey.”

III. Public Comments Regarding Improving, Replacing or Relocating the Existing Tower and the Existing Tower Being Structurally Unsound. (Commenters: F, G, L, O, R, S, 1, 2, 5, 10, 13, 16, 17, 27, 29, 30, 33, 37, 39, 42, 44, 48 & 52)

Staff Response: The applicant has represented that the existing tower is operational and not in need of replacement. The CMP does not regulate the structural integrity of either existing or proposed structures, such as a fire tower. However, the Commission staff does conduct “due diligence” in its review of applications. The existing fire tower is still in use. The CMP does not require an alternatives analysis addressing the improvement, replacement, relocation or abandonment of the existing structure.

IV. Public Comments Regarding Historical Significance of the Pine Plantation. (Commenters: E, L, R, 10, 15, 22, 26 & 48)

Staff Response: The CMP (N.J.A.C. 7:50-6.151) requires the proper management of historically distinctive resources. The trees proposed for removal constitute a significant historic resource. The CMP requires that a Certificate of Appropriateness be issued by the Commission that identifies the required treatment of the significant historic resource. Based upon review of the application, the Commission staff has determined that preservation of the resource in place is not technically feasible because obscuring the line of sight from the Bass River Fire Tower will

result in a risk to public safety.

Approximately 4,500 acres of trees were planted in Bass River State Forest by the CCC. Of those 4,500 acres, available information indicates that approximately 200 acres remain. This application proposes to clear 16.4 acres of the remaining 200 acres.

The Commission staff has determined that recordation is the appropriate treatment of the significant historic resource. Recordation will be accomplished through a combination of photo-documentation prior to and subsequent to tree removal, GIS mapping, updating of known documentary records on CCC planted stands, and, if appropriate, interpretive signage.

V. Public Comments Regarding Forest Fragmentation and Negative Impacts to Biodiversity and Wildlife.(Commenters: D, G, J, 8, 15, 25,28, 42, 46 & 48)

Staff Response: As a regional land use plan covering approximately 938,000 acres, the CMP establishes approximately 552,000 acres (Pinelands Preservation Area District and Pinelands Forest Area) as conservation oriented land management areas. On an application by application basis, the CMP regulates forest fragmentation, biodiversity and wildlife via the vegetation management standards and the T&E species protection standards.

The applicant has demonstrated consistency with the vegetation management standards (N.J.A.C. 7:50-6.23(a)&(b)) of the CMP. The proposed tree clearing is limited to that which is necessary to accommodate the continued use of the fire tower. The applicant has demonstrated that it is not practical to avoid clearing wooded areas.

Visual surveys will be performed for any potential Barred owl (threatened avian species) tree cavities or nests before any tree clearing occurs. Additionally, all proposed tree clearing and site preparation will be conducted during specified times of year so as to avoid potential impacts to T&E snake species. Visual surveys for Broom crowberry, a CMP designated T&E plant species, will occur prior to all tree clearing. The applicant has demonstrated consistency with the T&E species protection standards (N.J.A.C. 7:50-6.27) of the CMP.

VI. Public Comments Supporting the Need to Clear Trees for Public Safety. (Commenters: A, C, I, K, P, Q, 3, 4, 6, 7, 11 & 51)

Staff Response: The staff acknowledges the opinion of those commenters that indicated public safety comes first, common sense dictates that the trees should be cleared, the existing tower is important to the safety of a larger area and the continued use of the existing tower is essential for public safety.

VII. Public Comment that the Proposed Tree Clearing Violates CMP Standards. (Commenter: R)

Staff Response: It is the Commission staff's opinion that the proposed tree clearing meets all CMP standards. The staff understands and acknowledges that the proposed tree clearing will result in 16.4 acres of trees being cleared from the Pinelands Area.

VIII. Public Comment that the Proposed Activity Meets the CMP Forestry Standards.

(Commenters: N & P)

Staff Response: The submitted application proposes the tree clearing as forestry. The CMP definition of forestry specifically excludes the removal of trees for public safety. It is the Commission staff's judgment that the primary purpose of the proposed tree clearing is public safety. Accordingly, the Commission staff processed the application as tree clearing for public safety. The Commission staff recognizes that it could be reasonably argued that the proposed activity meets the CMP forestry standards. However, those standards do not apply to this application.

IX. Public Comment that the Provided Public Notice identifies the Wrong Application.

(Commenter: G)

Staff Response: The sample public notice form provided to applicants by the Commission staff suggests that the assigned Pinelands application number be included in the public notice. Provision of the application number within the public notice is not a legal requirement. The Commission staff initially advised the applicant to utilize the application number from the prior application for the current application. The applicant utilized that application number in its public notices. Upon receipt of the current application, the Commission staff decided for administrative purposes to assign the same application number, but a different application phase number. The fact that the public notice did not identify the correct application phase number eventually assigned by the Commission staff does not require that the applicant redo public notices.

X. Public Comment that the White Pines to be Removed are Non-Native Pinelands Species.

(Commenters: A, 3, 4, 6, 7, 35)

Staff Response: The Commission staff agrees that the White pines being cleared are not native Pinelands tree species.

XI. Public Comments that the CMP does not Require the Applicant to Address Alternatives to the Proposed Tree Clearing. (Commenters: P & 4)

Staff Response: The Commission staff agrees that the CMP does not require the applicant to address alternatives to the proposed tree clearing.

XII. Public Comments Regarding Costs Estimates Associated with the Proposed Tree Clearing and Tower Alternatives. (Commenters: G, H & 2)

Staff Response: The Commission staff agrees that the costs associated with the proposed tree clearing and the costs associated with possible alternatives to the tree clearing are informative. However, the CMP does not contain a standard that requires this applicant to address the cost of alternatives.

Oral commenters speaking at the March 8, 2019 Commission meeting are listed below:

A. Howard Chew

B. Greg McLaughlin- Chief, NJDEP Bureau of Forest Fire Management

- C. Mark Herndon
- D. Kathy Gariner (Submitted Document #1)
- E. Rose Sweeny
- F. Riki Loeiswicz (Submitted Document #2)
- G. Karl Swanseen (Re-submitted Document #1)
- H. Carol Bitsberger
- I. Buddie Pino
- J. Tom Doherty
- K. Bill Cutts
- L. Christopher Brower
- M. Rich Buzby (Submitted Document #3)
- N. Rhyan Grech-Pinelands Preservation Alliance
- O. John Waldrop
- P. Bill Brash-NJ Fire Safety Council President (Submitted Document #4)
- Q. Steve Lee (Submitted Document #5)
- R. Jeff Tittel-NJ Sierra Club
- S. Dan Gant (Submitted Document #6)

Written commenters on this application, received via email, except where noted, are listed below:

1. Donetta Waldrop, via mail
2. Karl Swanseen
3. Arthur Abline, Manchester Township OEM Coordinator
4. Martin Lynch, NJ Fire Safety Council, via mail
5. Deborah Buzby Cope, Mayor, Bass River Township
6. Jason Hoger
7. Nancy Reid, Chair, Horizons at Barnegat Firewise Committee
8. Todd Tally
9. Robyn Firth
10. Jeffrey Firth
11. Katharine LaRocca
12. Eileen Brower
13. Benjamin Brower
14. Diane Pett (Two written comments)
15. Todd Tally (Second written comment)
16. Karl Swanseen (Second written comment)
17. Dana Austin
18. Amy Rasmussen
19. Maria Cody
20. Julie Berghoff
21. Ed Kanitra
22. Laura Rasmussen
23. Rocquel Barretto
24. Sarah Foti
25. Marcia Evans
26. Ronald Valentine
27. Karen Amon
28. Ted Paul
29. James Casson

30. Marlena Carlis
31. John Steedle
32. Paul Smikovecus
33. Susan Hughes
34. Candace Fykes
35. Randy DePasquale
36. Erica DiUlio
37. William Cromartie
38. Alison Hall
39. Sharon Tuscano
40. Bruce Roop
41. Michelle Fox
42. Nicole Babcock
43. Lindsey Wasruta
44. Gale Labor
45. Robert Graffin
46. Lizabeth Carl
47. Jeremy Price
48. Scott Wardenski (Documents 7, 8 & 9)
49. Laura Phillips
50. Dawn Markoski
51. Dudley Lewis, Mayor, Washington Township
52. Ben Wurst

List of Documents Submitted by the Public

Document #1: Bass River State Forest Clearcutting Powerpoint presentation and State Forest Trail Map

Document #2: New York State DEC, Fire Tower Study for the Adirondack Park

Document #3: Burlington County Times article, August 10, 2018, "Bass River fire tower: Seeing the Entire Forest" by Ray Bukowski, Assistant Commissioner for Natural and Historic Resources, NJDEP

Document #4: New Jersey Fire Safety Council, March 8, 2019 Wildfire Report 1927-2010

Document #5: Rolling Stone Magazine May, 2016: "Apocalypse in the Garden State" by Kyle Dickman

Document #6: Bass River State Forest Fire Tower 2019 Two photographs of tower steel damage

Document #7: 1936 Brochure on Forest Fire Prevention in Bass River State Forest

Document #8: 2005 Bass River Gazette article on Bass River State Forest history

Document #9: New York Times article, October, 1905 "Saving Jersey's Forests"

CONDITIONS

1. Except as modified below, the proposed tree clearing shall adhere to the "Proposal for Silvicultural Activity on State Forest and Park lands, New Jersey State Forest Fire Service" submitted to the Pinelands Commission and dated January 24, 2019.
2. Prior to any tree clearing, the applicant shall obtain any other necessary permits and approvals.

3. To avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E snake species, only low ground pressure equipment shall be used for any tree clearing undertaken between November 1 and April 30.
4. To avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E snake species, site preparation activities (e.g. drum chopping or wood disking) shall only be conducted between May 16 and September 30.
5. To avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of Barred owl, the applicant shall complete a visual survey of the above referenced 16.4 acres proposed for tree clearing for potential Barred owl cavities or nests. Any trees containing potential Barred owl cavities or nests shall be marked and left standing.
6. To avoid irreversible adverse impacts on any local population of Broom Crowberry, a visual survey shall be completed of the 16.4 acres proposed for tree clearing prior to any tree clearing. If the visual survey identifies any Broom crowberry, the applicant shall install temporary protective fencing to ensure that the plant is not disturbed.
7. Prior to any clearing of the 16.4 acres, a copy of the cultural resource recordation report shall be submitted to the Commission staff. Recordation will be accomplished through a combination of photo-documentation prior to and subsequent to tree removal, GIS mapping, updating of known forestry documentary records on CCC planted stands, and, if appropriate, installation of interpretive signage.

CONCLUSION

As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed tree clearing subject to the above conditions.



Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

State of New Jersey

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Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on April 9, 2019 and include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.

