

Date: March 31, 2016

To: Mr. David M. Golden, Chief
Bureau of Land Management, NJ Division of Fish and Wildlife
NJ Department of Environmental Protection
P.O. Box 420
Trenton, New Jersey 08625-0420
Via email: david.golden@dep.nj.gov

Comments of New Jersey Highlands Coalition and New Jersey Conservation Foundation
Re: Appendix 7 – High Conservation Value Forest (HCVF) Assessment, Sparta Mountain
Wildlife Management Area, September 2012V.2

Dear Mr. Golden:

We have reviewed Appendix 7 – High Conservation Value Forest (HCVF) Assessment, prepared by New Jersey Audubon for the Sparta Mountain Wildlife Management Area, dated September 2012. This Forest Assessment, when judged against the FSC-US Forest Management Standard document, falls well short of the standards and requirements of the HCVF evaluation.

We request that, as described in Indicator 9.1.b, that “a credible outside review of the assessment ... be required.” Indicator 9.1.b states that: “In developing the assessment, the forest owner or manager consults with qualified specialists, independent experts, and local community members who may have knowledge of areas that meet the definition of HCVs.” The Assessment shows no evidence that the work of qualified or independent experts, local community members, environmental organizations with broad conservation interests, and scientific experts in ecology, including native plants, mammals, birds, reptiles, amphibians, invertebrates, etc. was sought or equally important, utilized in compiling the Assessment.

Principle C9.1 requires “Assessment to determine the presence of the attributes consistent with High Conservation Value Forests will be completed, appropriate to scale and intensity of forest management.” Pg.62 of 109. **Indicator 9.1.a** requires that the “forest manager identifies and maps the presence of High Conservation Value Forests...to the extent that data are available.”

New Jersey has a wealth of mapped data available, but no mapped data are presented as part of this Assessment. There is no evidence that appropriate mapping of the Rare, Threatened and Endangered species, plants or animals, was considered by this Assessment or incorporated. Neither is there any evidence that water resource values and characteristics were considered or incorporated, in spite of the fact that HCV 4. Forest areas involve watershed protection and drinking water supplies, and that the Sparta Mountain WMA was purchased by the state in large

part to help protect critical water supplies for over two-thirds of the State's population. The New Jersey Highlands Water Protection and Planning Council and the NJDEP Geological and Water Resources Management map water resources availability, but there is no evidence that such maps were utilized or consulted in the Assessment process.

1. The High Conservation Value Forest Assessment Stakeholder process was entirely inadequate.

The cover page of the HCV Forest Assessment for Sparta Mtn. WMA claims that “the partners began soliciting stakeholder input on March 26, 2012, [and that] during this time period no stakeholders conveyed High Conservation Value Forest (HCVF) input.” In response, it should be noted that the stakeholder process was entirely inadequate.

Seven of the 15 Stakeholders in the HCVF process were state agencies, and two were municipalities. No New Jersey environmental organizations with broad agendas of concern about New Jersey's natural resources, public lands and water quality/water supply, such as the New Jersey Chapter of the Sierra Club, Clean Water Action, New Jersey Highlands Coalition, Environment New Jersey, and New Jersey Conservation Foundation, were directly solicited for input. Also not invited were local or regional environmental groups, such as the Upper Rockaway River Watershed Association, the Skylands Group of the Sierra Club, Skylands Preservation Alliance, POWWW, and others.

The only non-profits invited were sportsmens' groups and two primarily recreational organizations, including the Jersey Off-Road Bicycle Association, whose knowledge of rare species and ecological values is problematic at best.

There was an e-mail with a broader distribution to some conservation groups at the time, requesting information on vegetation inventories. That e-mail did mention the Forest Stewardship Certification process, but it seemed to be aimed at scientists who had conducted detailed vegetative studies in the area, rather than directing stakeholders to consider the extensive breadth of HCVF criteria.

Lake communities located within and adjacent to the Sparta Mountain WMA, whose quality of life is significantly interwoven with the Wildlife Management Area, were not invited to participate (eg. the Beaver Lake Realty Company, Hawthorne Park Club, Lake Tamarack Environmental Committee, etc.), nor were other local residents. Finally, the many ecologists and botanists who had been volunteering their time for years with the NJ Fish and Wildlife Service, reviewing proposals for FSP rules, doing plant surveys, and commenting on the conservation concerns of other logging plans, were left off the stakeholders list that made the decision to delist Sparta Mountain as a High Conservation Value Forest.

No details of the wording of the solicitation are provided, so it is not clear what sort of information was requested, and in what context. In short, an inadequate effort was made to develop the original stakeholder list, resulting in a solicitation that was ineffective.

2. Sparta Mountain WMA is public land, but has not received the review required by the FSC-US Forest Management Standards for public lands.

FSC-US Forest Management Standard Indicator 9.2.b applies: “*On public lands, a transparent and accessible public review of proposed HCV attributes and HCVF management is carried out. Information from stakeholder consultation and other public review is integrated into HCVF descriptions, delineations and management.*”

No “transparent and accessible public review” of proposed HCV attributes and HCVF management was ever conducted for the Sparta Mountain State Wildlife Management Area.

The HCVF Assessment cover page continues: “Following the completion of NJ Audubon’s comprehensive forest inventory in August 2012, botanical surveys completed by third party contractors, new information from ONLM, and with guidance from their certification body, the partners adjusted their HCVF Assessment and removed all of SMWMA’s acreage from HCV1.”

We submit that removal of Sparta Mtn. WMA from the HCVF status was premature, misguided and entirely inappropriate. The botanical report found in the Appendices of the Forest Stewardship Plan, which was completed for this project between the summers of 2013 and 2014, is comprehensive and exceptional. *These botanical surveys indicate that the delisting designation clearly should be revisited.* Furthermore, this excellent botanical fieldwork appears not to have been incorporated into or used at all to develop the Forest Stewardship Plan itself.

The Forest Stewardship Plan includes a very short summary stating the aggregate Floristic Quality score for the 3000+ acres of Sparta Mountain of 48+. That is all – left unspoken is the fact that this is an **extremely high score**. (To give some perspective, in the State of Michigan, a score of 35 is enough to qualify a site for acquisition with state funds.)

3. The Sparta Mountain WMA should be re-evaluated and reinstated as a High Conservation Value Forest and the Forest Stewardship Plan should be completely revised accordingly. The botanical surveys indicate that the HCVF designation should be revisited. The high scores for Floristic Quality make it extremely difficult to understand on what basis Sparta Mountain WMA was de-designated by NJ Audubon, just prior to submission of this proposed Forest Stewardship Plan.

Forest Stewardship Council (FSC) certification would require a precautionary approach to management and a more focused effort to steward all the forest’s resources. Active management may be precluded in some places, and undertaken with care (possibly using non-mechanized methods) and be more closely monitored in others. The botanical report gives strong direction relative to this site that should inform any stewardship or other management plan.

4. New Jersey Audubon’s High Conservation Value Forest Assessment document was prepared in conformance with FSC-US’s July 2007 Version. This version has been superseded

by *FSC-US Draft High Conservation Value Forest Assessment Framework*, July 7, 2010. A new HCVF Assessment should be undertaken utilizing the most current standards.

5. According to the FSC-US Draft High Conservation Value Forest Assessment Framework, July 7, 2010, High Conservation Value Forests (HCVF's) are “managed to protect and maintain their identified high conservation value attributes. In some cases, active management is consistent with these attributes, and in other cases (e.g., most old growth forests), active management is specifically precluded.”

We have reviewed the Forest Stewardship Plan Objectives within the context of the FSC-US Management Standard (v 1.0), distributed with the Objectives, in particular, Principle 9: Maintenance of High Conservation Value Forests, which states that “Management activities in high conservation value forests shall maintain or enhance the attributes which define such forests. Decisions regarding high conservation value forests shall always be considered in the context of a precautionary approach.” “Intent: High Conservation Value Forests are managed to protect and maintain their identified high-conservation value attributes. In some cases, active management is consistent with these attributes, and in other cases (e.g. most old growth forests), active management is specifically precluded....FSC defines High Conservation Value Forests as those that possess one or more of the following High Conservation Values (HCV's)”;

1. “HCV1 forest areas containing globally, regionally or nationally significant concentrations of biodiversity values.”
2. “HCV2 forest areas containing globally, regionally, or nationally significant large landscape level forests, contained within, or containing the management unit, where viable populations of most if not all naturally occurring species exist in natural patterns of distribution and abundance:”
3. “HCV3 forest areas that are in or contain rare, threatened or endangered ecosystems. HCV 3 includes: old growth, roadless areas greater than 500 acres or that have unique attributes, and primary forests;” and
4. “HCF4 forest areas that provide basic services of nature in critical situations (e.g. watershed protection, erosion control)...” FSC-US Forest Management Standard pp 61-62.

Appendix F “High Conservation Value Forests” provides definitions and guidance on these terms. **High Conservation Values:** “HCV 2 includes relatively contiguous areas of forest (which may be crossed by land management roads or public roads). At a minimum these forests are likely to be thousands or tens of thousands of acres in size. However, ‘large’ is relative to ecoregion landscape context (particularly the size of forested blocks in the ecoregion) and might be smaller or larger than this figure... In ecoregions where natural forests are heavily fragmented by forest type conversion or land use conversion, the increased value of smaller occurrences of remaining

natural forest should also be included in the assessment. The forest may be in single or multiple ownerships...”

“HCV 2 also includes the following regional examples:...”Northeast:...More common in the northeast are discrete areas of biodiversity value (i.e. they generally contain one rare natural community or an endangered species or two) that are not part of a network of isolated but interconnected habitat that would lead to HCVF status at the landscape scale...” FSC-US Forest Management Standard pp 102-103.

Critique of the HCVF Analysis

HCV 1: Definition: Forest Areas containing globally, regionally or nationally significant concentrations of biodiversity values (e.g. endemism, endangered species, refugia).

HCV1 Group Manager Questions:

1. Does all or part of the FMU contain an area that is legally protected or managed primarily for concentrations of biodiversity values that are significant at the eco-region or larger scale, or is such an area proposed for protection? If yes, please explain.

NJA answered NO. We believe that the nationally determined eco-region or larger scale is inappropriate for use in New Jersey. We are a small, heavily developed state – these guidelines are not appropriate for evaluation of the values of our forest areas. The Appalachian Ecoregion is HUGE, and we are a very small part of it. We cannot hope to preserve any of our heritage if we have to compare ourselves to states many times larger than our own.

2. Does all or part of the FMU contain an area with significant concentrations of rare, threatened or endangered species or rare ecological communities, endemic (range-restricted) species and/or natural communities that are significant at the eco-region scale?

NJA answered NO.

We disagree, and provide the following 2 analyses. The first analysis provides our own comments assembled by *local experts*, the second by the *US Fish and Wildlife Service*:

1) comments on HCV1 designation by local experts:

Despite the lack of input from stakeholders during the spring of 2012, information from a number of other data sources (Natural Heritage Program data, NJAS publications, NJDFW, neighboring landowners) convinced NJAS that Sparta Mountain did meet the criteria for HCVF1. However, the validity of these data sources were subsequently disregarded when the HCVF1 designation was later removed. NJAS cites 4 reasons for the removal: (1) the results of NJAS’s “comprehensive forest inventory,” which apparently failed to find any rare species. The word “comprehensive” is seriously misleading, however: the forest inventory data presented in the Plan focus exclusively on trees and the amount of board feet and pulp that they represent. None of the vertebrate and invertebrate forest organisms were included in this inventory, which certainly was

not focused on documenting the biodiversity of Sparta Mountain. (2) Results of contracted botanical surveys. Considering that these surveys found 32 rare plant species (including 6 state endangered), citing them as evidence that Sparta Mountain is *not* deserving of HCVF1 status does not make sense. (3) Similarly, “new [unspecified] information from the New Jersey Heritage Program Office of Natural Lands Management” contributed to the downgrade. On p. 25 the Plan indicates that in January 2013 Natural Heritage reported 8 species of rare plants (2 state endangered) on or near the site. How can this additional discovery of rare species make Sparta Mountain *less* deserving of protection? Again, this does not make sense. (4) NJAS received “guidance from their certification body,” but the nature of the guidance is unexplained.

Based on the above, NJAS decided that Sparta Mountain “did not contain concentrations of rare species or rare ecological communities that are significant at the eco-region level.” This definition is underlain by the ambiguous terms “concentrations,” “rare,” and “significant.” Who determines what rarity is, which species are rare, and what concentrations of them are significant? No explanation is provided for why the **known occurrence** of numerous Endangered, Threatened, and Special Concern species of both animals and plants at Sparta Mountain does not meet this definition. Whatever these words mean, requiring that the “significance” be at the eco-region level is a very high bar indeed, given the size of eco-region 221 on the accompanying map. It seems unlikely that many tracts of forest could meet that criterion—how many HCVF1s are there in eco-region 221? This is a standard set by an organization dedicated to promoting forestry, so has it been set so high that virtually no site could qualify?

In its answer to HCVF1 Group Manager Question 2, NJAS justifies its removal of Sparta Mountain from that category by claiming that its “systematic surveys” (for which no data are provided) found no RTE species and thus invalidated the prediction of the Natural Heritage information regarding habitat suitability. When contesting a decision by NJDEP of the suitability of a given location to support Endangered, Threatened, or Special Concern species, the Land Use Regulation Program requires that the applicant meet TWO tests: (1) surveys conducted by qualified individuals at appropriate times of year must fail to detect the species in question, AND (2) it must be proven to DEP’s satisfaction that the habitat is no longer suitable for the target species. As to point (1), NJAS has provided no information indicating that individuals qualified to survey for the relevant rare animal species conducted those “systematic surveys,” that the “systematic surveys” were conducted at the appropriate time(s) of year,” or that the “systematic surveys” were actually targeted on rare animal species, and NJAS has provided no field data to support their claim of negative results. Furthermore, relevant to point (2), even though the “systematic surveys” by NJAS found no classified species, it would still have to be proven that the habitats present are no longer suitable for the relevant species. NJAS did not do so in answer to HCVF1 Group Manager Question #2.

2 - comments on High Conservation Values prepared by the US Fish and Wildlife Service:

Significant Habitats and Habitat Complexes of the New York Bight Watershed, US Fish and Wildlife Service, 1997:

This large comprehensive study inventoried the New York-New Jersey Highlands as “COMPLEX #25”, stating:

“The entire physiographic province of the New York-New Jersey Highlands...is noteworthy as a relatively undeveloped corridor of forests, wetlands and grasslands of regional importance to breeding and migratory birds, resident amphibians and reptiles, and rare plants and communities within close proximity to the New York City metropolitan area. The principal significant habitat is the core area of unfragmented forest and wetlands within the Highlands...extending from the glacial moraine (at about the location of Interstate 80 in New Jersey northeast across the Hudson River. *This core habitat area has the highest concentration within the Highlands of species and communities of special regional emphasis dependent on large, unfragmented forest and wetland habitats. The focus of this narrative is on the core habitat area...*”

The study observes that “*The New Jersey Natural Heritage Program recognizes several Natural Heritage Priority Sites for Biodiversity within the Highlands.* These sites are listed here along with their biodiversity ranks” including six that are located within or adjacent to Sparta Mountain WMA: **Sparta Pine Swamp (B3), Edison Bog (B4), Morris Lake (B4), Morris Lake Woods (B4), Sparta Glen (B4), and the New Russia Gravel Pit Site (B4).** The narrative continues: “The *core habitat area* contains continuous and relatively unfragmented forests, higher elevation ridges, and networks of relatively undisturbed wetlands in the valleys.” It describes the types of forests, with dominant trees and shrubs, as follows:

“**VI. Ecological Significance/Uniqueness of Site:** *The ecological significance of this area relates to its large, contiguous forest and wetland habitats and the disturbance-sensitive species dependent on these habitats, as well as the diversity of plants, communities, and animals unique to this region.* ...The Highlands Regional Study conducted by the U.S. Forest Service estimated that roughly 50% of the area between the Delaware and Hudson Rivers, or about 500,000 acres, is important habitat based on the presence of species that are endangered, threatened, or of special concern... There are 312 species of special emphasis occurring in the highlands, incorporating 147 species of birds and 123 species of plants, and including the following federally listed species....For thousands of years, the ridges of the Highlands have been used as a visual guideline for songbirds and raptors during spring and fall migrations, with the forest and wetlands providing food and resting places for the migrants...about 150 species of breeding birds. *Many of these species are generally associated with relatively unfragmented, undisturbed forest interior habitats.*”

The document notes and describes Rare Communities and Plants, including rocky summit grasslands, the pitch pine-oak-heath rocky summit community, talus communities, chestnut oak forest, Appalachian oak-hickory forest, Atlantic white cedar swamps, dwarf shrub bogs (including Edison Bog, “a northern bog with historical occurrences of several rare plant species”), black spruce swamps, aquatic communities, and hemlock ravines (including Sparta Glen, “a hemlock

ravine whose rocky woods and slopes contain rare plants such as rosy twisted stalk bellwort and Carolina wood vetch.”)

The Fish and Wildlife study observes that *“The most significant threat to the Highlands is the continued loss and fragmentation of the area’s forest and wetlands...Loss of forest habitat will reduce the suitability of this area for forest interior species, degrade water quality, and likely increase flooding of downstream areas.* Loss of habitat will also fragment the mostly unbroken forested corridors connecting the Highlands from the Taconics and New England on the north to the Appalachian Ridges and Pennsylvania to the south...Because many of the habitat values of the Highlands are based on its large tracts of unfragmented forests and wetlands, these large areas must be preserved intact. Protecting only the small and localized rare communities will not be sufficient.”

These US Fish and Wildlife Service comments specific to the Sparta Mountain landscape, the long-standing New Jersey Natural Heritage priorities, especially Edison Bog and its headwaters, and diversity of natural communities as one moves across the repeating landscape of pristine wetlands and stream corridors, steep slopes, and scenic ridgetops clearly indicate that Sparta Mountain meets the HCV3 classification regarding rare communities. And given the regional scale and context of this large forested landscape at the edge of the burgeoning New York metropolitan region, Sparta Mountain should also qualify for HCV2 status as an essentially intact forested landscape containing most species in natural patterns of distribution.

HCV4: Definition: Forest areas that provide basic services of nature in critical situations (e.g. watershed protection, erosion control).”

“Intent: HCV 4 is focused on basic service of nature for human needs... an operable question to help address this question may be, “what is the impact of converting the forest in question to a non-forest use?...Guidance on watershed protection: A forest that is part of a local drinking water catchment or is a critical source for a remote location. Draft – FSC-US HCVF Assessment Framework, pg. 8.

In response to HCV 4, NJ Audubon responded “None.” Unfortunately, the HCV4 Group Manager Question inaccurately reflected the Draft FSC-US HCVF Assessment Framework, and both omitted the words “drinking water” that were intended to follow “primary purpose of providing a source of community...**(drinking water)**” and also added the question “If so, what is the purpose and identify the community,” which is entirely irrelevant to the Assessment question.

In response to the correct question: *“4.1. Is all or part of the FMU owned or managed for the primary purpose of providing a source of community drinking water?” And question “4.2. Does all or part of the FMU play a ‘critical watershed role’ in protecting community drinking water supplies?” The clear answer is YES.*

The overriding impetus to protect the Highlands during the 1990’s was recognition of the Region’s critical role in the protection of the water supply *for over two-thirds of the State’s population.* Sparta Mountain Wildlife Management Area was purchased, primarily with State Green Acres funding, to ensure protection of the Sparta Mountains’ forested watersheds, which contribute directly to the Boonton Reservoir, Jersey City’s water supply source. The protection of

water supply and water quality have been the prime conservation imperatives for the preservation of the existing large tracts of contiguous forest, maximization of forest canopy cover, and prevention of forest fragmentation. These goals were strongly advocated throughout the 1990's and beyond by the bi-state Skylands Greenway Task Force (1992), the USDA Forest Service (1992 and 2002), the US Fish and Wildlife Service (1997), the NJ State Planning Commission (2001), the United States Congress (2004), the New Jersey Legislature (2004), the New Jersey Department of Environmental Protection (2004) and the New Jersey Highlands Water Protection and Planning Council (2008).

Just recently, a December 2015 report by the New Jersey Geological and Water Survey, "Potable Water Supplied in 2011 by New Jersey's Highlands," found that "*The New Jersey Highlands are a vital source of potable water for the State....the region supplied 136 billion gallons.. to 332 municipalities in 16 counties in northern, central and southwestern New Jersey. These municipalities are home to about 70% of New Jersey's population*" – [over 6 million people] – *who rely on the Highlands for all or part of their water supply.*" **Potable Water Supplied in 2011 by New Jersey's Highlands**, New Jersey Geological and Water Survey, Open-File Report 15-01, NJDEP, Water Resources Management.

The High Conservation Value Forest Assessment must fully recognize the critical role in water quality and water supply protection played by the Sparta Mountain WMA, and include an HCV4 designation for Sparta Mountain .

In conclusion, there is a clear need for the citizens of New Jersey to have additional input in this HCVF assessment effort. This process has thus far fallen short in both outreach and assessment of the High Conservation Value categories assigned to our public forest lands at Sparta Mountain, preserved through millions of dollars of acquisition funds provided by the citizens of New Jersey.

Sparta Mountain clearly meets the classification parameters for High Conservation Values 1, 3, and 4, and may possibly be considered for HCV 2 (given the regional NY metro-region context). According to FSC Principle 9, the forest management plan must maintain and enhance the attributes that define these forests, take the most precautionary approach, and describe the measures and monitoring necessary to ensure that the existing, bewildering array of rare natural resources critical to the sustainability of the New Jersey Highlands public forest lands remains undiminished for future generations.

Thank you for your attention to our serious concerns about the status of the Sparta Mountain Wildlife Management Area "High Conservation Value Forest Assessment."

Sincerely,

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