
Public Hearing

before

SENATE ENVIRONMENT AND ENERGY COMMITTEE

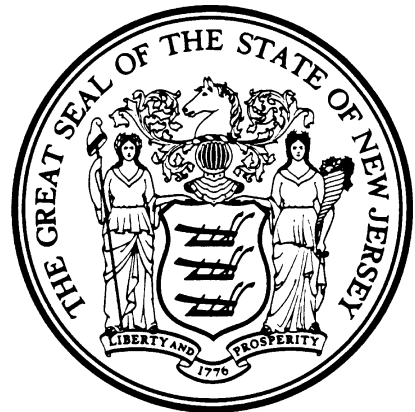
"The Committee will hear testimony regarding the damage caused to New Jersey forests by the southern pine beetle and the State's response to the infestation"

LOCATION: Committee Room 10
State House Annex
Trenton, New Jersey

DATE: August 25, 2011
10:00 a.m.

MEMBERS OF COMMITTEE PRESENT:

Senator Bob Smith, Chair
Senator Robert M. Gordon, Vice Chair
Senator Linda R. Greenstein
Senator Christopher "Kip" Bateman
Senator Jennifer Beck



ALSO PRESENT:

Judith L. Horowitz
Amy Denholtz
Office of Legislative Services
Committee Aides

Eugene Lepore
Senate Majority
Committee Aide

Christina Gordillo
Senate Republican
Committee Aide

Hearing Recorded and Transcribed by
The Office of Legislative Services, Public Information Office,
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(This is an excerpt of the Senate Environment and Energy Committee meeting held August 25, 2011, concerning the damage caused to New Jersey forests by the southern pine beetle, and the State's response to the infestation)

SENATOR BOB SMITH (Chair): Good morning.

Can everyone take a seat, please?

All right, we're going to do one absolutely uncontroversial bill to begin with, and then we're going to go to the southern pine beetle hearing, and then we're going to do the other bills.

So first let me welcome everybody to the August meeting of the Senate Energy and Environment Committee, and we do hope to have a September meeting as well to get some more good bills out -- that's the only kind we do, Kip. (laughter) And we're going to try and make this not too long and painful, because everybody should be getting to their house and locking down their windows and their furniture because it looks like we've got a doozie coming.

(Committee proceeds to discuss and vote on Senate Bill No. 2978 and Assembly Bill 3991 (1R))

Let us now go to the southern pine beetle hearing, and we have people signed up to speak on that.

Let me start with Barbara McConnell from the New Jersey Forestry Association.

B A R B A R A M c C O N N E L L: Because I have an overwhelming desire to speak.

SENATOR SMITH: I know this. (laughter)

MS. McCONNELL: Hello?

Thank you, Senator Smith and members of the Committee.

I'm Barbara McConnell and I represent the New Jersey Forestry Association, and that's an organization that represents thousands of private forest landowners in the State of New Jersey. And I want to thank each member of the Committee for devoting a portion of this Committee time to speak on the devastating outbreak of the southern pine beetle, as well as some other forest health issues that are facing New Jersey.

As you know, in New Jersey 42 percent of our land mass is forested; 62 percent of that 42 percent is privately owned -- not by corporations, not by government, or big companies, but by private individuals and families who are the stewards of that large share of New Jersey's forests.

The New Jersey Pinelands, which is where the outbreak of the southern pine beetle is most prevalent -- although there are thousands of acres outside of the Pinelands, as we know it, that are also affected by this beetle -- and I would say that approximately two-thirds of that 1.1 million acres is privately owned. And those privately owned acres have gone 30 years without being properly managed, such as the need to thin or to harvest or to have any kind of pest control, for the following reasons: When the Legislature enacted the Pinelands Act, they defined forestry as agriculture and horticulture, recognizing that our forests needed to be managed in a sustainable manner, based on scientific best practices which

include the need to thin and harvest, and the ability to control pests and pathogens that attack our forests just as agriculture is allowed to do. However, after the enactment of the Pinelands Act, the regulations that were promulgated defined forestry as development, thereby triggering a permitting process through the Pinelands Commission, local municipalities, the DEP, and back to the Pinelands that could take sometimes over 30 days or longer to get a permit, and at great expense to the private landowner to do what needs to be done to properly manage those properties.

It only takes 10 days once a pine beetle attacks a tree for that tree to die. We can't get a permit to do anything about it within that length of time.

I am very aware that DEP and the Pinelands Commission have put together an expedited process that is far better than it was in the past, thereby trying to turn that -- the permit application around within three days. But in the meantime, under the old system -- and we're not really sure how the expedited system is going to work in reality -- because of these issues we have already lost over 14,000 acres of forest -- been destroyed. And according to a Dartmouth professor, it's likely that we'll lose up to 40,000 to 60,000 acres by the end of this year.

It's encouraging to note that the Forestry Service has recently received a \$600,000 grant from the U.S. Forest Service and that they now have in place a program or a plan to address the southern pine beetle on public lands. But unless we can remove the obstacles which prevent the private landowner from properly managing their forest in a timely manner, we will continue to lose more acreage in the pine forest to this southern pine beetle pest. And if we don't get a handle on this issue and the

management of our forest overall, we're going to allow these pests and pathogens and bureaucratic red tape to simply destroy forests.

Mr. Chairman and members of the Committee, I put together several recommendations that I'd like to submit to you.

SENATOR SMITH: Please.

MS. McCONNELL: And I'll be brief: One, we need to reevaluate and change the Pinelands regulations to remove forestry from the definition of development altogether. This would align forestry with farmers and their ability to work their land in a sustainable manner.

I would also recommend that the Governor be urged to grant the Commissioner of DEP emergency powers to address the pine beetle in order that the red tape and permitting process can be waived. The Secretary of Agriculture has this kind of authority to address emergency crop issues.

Also, I think this Committee should urge DEP to establish the Forest Health Council, which was authorized by legislation in 2006 but it has never been implemented. This legislation was sponsored by Senator Martha Bark and it recognized then, in 2006, the threat of the southern pine beetle, sudden oak death, and the bacterial leaf scorch -- which is a disease that clogs the water transport vessels in a tree, thereby blocking the flow of water from root to leaves.

And there's the emerald ash borer that is marching its way down from New York, as we speak, into counties in New Jersey, which will have a devastating consequence for private landowners as well as municipalities and local government. The health of our forests is, indeed, in jeopardy.

Also, Senator Smith, I know this is something near and dear to your heart, and members of the forestry community are certainly so grateful to you for enacting the Forest Stewardship Act. That Act needs to be implemented and it needs to be implemented now. This legislation, as you know, is sponsored by you and it is landmark legislation -- it was then, and it is now -- and it has been recognized at a national level. It is one of the finest pieces of forest stewardship legislation in the country. I won't go into what the intent of the legislation was, but it set out to provide some financial incentives for us to sustainably manage our forest under a set of very stringent, science-based, nationally recognized criteria. However, as you know, the funds for this program were to come out of the RGGI program and the monies that we had were diverted into the general treasury. And now it appears that New Jersey is no longer participating in RGGI.

Those are my recommendations that we could consider, because it's more than just the southern pine beetle -- the health of our forests are in jeopardy.

SENATOR SMITH: Yes, right.

MS. McCONNELL: I would also like to call to the attention of the Committee that the United Nations this year declared 2011 as the International Year of the Forests. And they did this in order to provide a global platform to celebrate peoples' actions to sustainably manage the world's forests. And this recognition was declared in large part to raise awareness on sustainable forest management, conservation, and to make all aware of just how valuable our forests and our trees are to clean air, water supply, carbon sequestration, and our environmental health.

I believe that nurturing and properly managing our forests may be one of the greatest vehicles against global warming, not to mention a vital legacy for us to insure for future generations.

Thank you.

SENATOR SMITH: Barbara, thank you for your comments. I think you have a number of really terrific suggestions that the Committee should consider.

MS. McCONNELL: I have copies of my testimony; would you like--

SENATOR SMITH: Would you please?

MS. McCONNELL: Yes, sure.

SENATOR SMITH: Yes, because some of them were really helpful ideas.

Any questions for Ms. McConnell? (no response)

All right; if not, our next witness is Bob Williams, the Society of American Foresters.

Bob.

B O B W I L L I A M S: I don't have a formal statement.

MS. HOROWITZ: Push your button (referring to PA microphone)

SENATOR SMITH: Push your button.

MR. WILLIAMS: Can you hear me?

MS. HOROWITZ: Push your button.

SENATOR SMITH: No, you have to push the button.

MR. WILLIAMS: This button? Okay -- can you hear me?

SENATOR SMITH: Yes.

MR. WILLIAMS: I don't have a formal statement, but I certainly appreciate that you would allow me to come here and say a few words.

I was the forester who first discovered the southern pine beetle in 2001. I reported it to the State Forest Service. They then brought in some outside experts who verified that this beetle, in fact, was now here. And since 2001, of course, I paid close attention to how we've gotten to where we are.

This beetle is on the move, and we've done little to nothing to prevent this. This could have been prevented, but that was then and we're here now. Fourteen thousand acres is a conservative number; it's probably 30,000, 40,000 acres already if you total up what's been killed since 2001. I suspect this year will add significantly to that.

What people need to start understanding is the science on how to control this pest is done. We don't need experiments, we don't need to go out and evaluate things. This pest is thoroughly controlled from eastern Texas to Florida to Delaware -- but not here. There is a very simple reason for that -- is we essentially have no forest management. As a forester, I certainly manage land, and I get some permits, and we're certainly managing some private tracts of land. But when you look at the context of the size of the forest, we're not managing the forest. A few thousand acres of management isn't going to have any impact. In terms of, if you were to ask me, "Well, what is prohibiting the private land owner or the public resource managers?" And we've discussed this for years, Senator; I mean, you know what's going on. You're well-schooled on the discussion. My feeling is, you know, you can look at it in a couple different ways. It

certainly is government. I don't believe that the people in government who are responsible are intentionally saying, "We don't want the forest managed." And there's great debate about that. A lot of my colleagues actually do believe that, because it's pretty easy to come to that conclusion when you see the mountain of paperwork you have to go through to manage a forest. What I think is, you have a series of layers of rules and regulations and agencies -- this one's supposed to protect this, this one's supposed to do that -- and it's almost impossible -- in fact, it is impossible, when you look at the fact that after 30 years since the passage of the Pinelands Protection Act, not one piece of public land, not one State Forest, not one Wildlife Management Area has a detailed approved natural resource management plan. I mean, that's as obvious as can be. But yet the private sector, we're held to all these high standards to go get permits. And the beetle is dramatizing that. We wouldn't even be having this hearing, if it wasn't for this beetle, about how do we get through this process? How do we make it better?

So in terms of where we are today, I actually believe the DEP and the Pinelands are getting together and honestly trying to do something. Their rules and regulations are not going to allow them to do it. I am up to my eyeballs today in that process, and it doesn't work. And it's not going to work. In order for us to just address the southern pine beetle, if we care and want to avoid what's really going to happen here, we need to move on it fast -- within days. When you find two or three trees in your wood lot, you need to move. Now there's a provision in the expedited permit that you can go do that without a permit. But the problem is it's so widespread

that we're not dealing with two or three trees. We're dealing with hundreds upon hundreds of acres.

My suggestion is: When are we going to let the Forest Service actually be a Forest Service? Because they're not. Example: I received a letter this week from the Forest Service on my expedited beetle permit, or whatever you want to call it. I call it the *first permit* that allows me to go get the second permit. And at the end it says, "Be advised: No forestry activity can occur until you go to the local municipality, go through whatever that regulatory process is and get a permit" -- the second permit -- which allows you to go get the third permit, which is a permit to go back to the Pinelands who says, "No, you're okay. You now have a local permit and your local permit is now the real permit." So I get the first permit to go get the second permit that allows me to go get the third permit that says the second permit is approved.

SENATOR SMITH: How long does that take you to do it?

MR. WILLIAMS: It's-- Under the new process, I think it's going to happen fairly-- It may, I don't know, because I don't have one. But it could happen within weeks. The difficulty is each municipality handles how they give you a forestry permit totally differently. So you go-- Suppose I got my letter from the Forest Service; one township will say, "Well, we think that's fine; we agree. We think this is a problem. We'll just write an amendment to your forestry permit." It just gets complicated. Others are saying, "Oh, no. You need to start all over again." Even though you already have an approved forest stewardship plan, you pay all new fees, submit the plan. That landowner right away is like, "I'm not doing this nonsense. I already paid them my fees. I went and got the three permits

that took us six months or whatever. Now we're confronted with this." And it gets worse. Under the process that we have, suppose I go back to my office today and damn, I got it. I got the final permit that says I can go attack beetles tomorrow -- wonderful. If I go out in three months and I have a 400-acre property and beetle infestations are now, say, in the back 40 -- well, yes, you have to go do it all again.

SENATOR BATEMAN: That's crazy.

MR. WILLIAMS: Now, it doesn't work, folks. My suggestion is this: The DEP has the professional expertise in forestry -- if they don't then we should get rid of them, because what do we have a forest service for? We're not asking -- or I'm not suggesting -- an exemption. The landowners don't want to be exempt and say, "Hey, if I got beetles I can go do whatever I want." That's not what we're suggesting. What we're saying is the landowner, through his professional, should go to the DEP Forest Service and present the evidence and say, "Hey, I have these 50 acres. I have 5 acres of infestation." That DEP professional visits the property and says, "Yes, what they've turned in is correct." And when they send me that letter you start to work. That's the end of the story. I don't think the rules and regulations that we have permit that, and I think that is, Senator, what has crippled our two-and-a-half-year effort to avoid this. I think that's what our effort was all about -- was to avoid this.

Now, I will tell you this insect is, in my view -- I'll give you my professional view -- is staging. The forests that it's attacking now are not the high-risk optimum forests that it wants to attack. It's a mixed hardwood pine. So it's doing a pretty good job, but it is nothing compared to what it's going to do when it gets into Burlington and Ocean County,

where we have hundreds of thousands of overstocked, stressed pine forests. That's when you will see 10,000, 20,000 acres killed off in a pop. If you look at-- And I don't know what data the Forest Service has, but I know what I know in the forest: If you look at the southern boundary of Wharton State Forest, from Route 30 back to Batsto, you will see on the edge of that forest, moving north, little dots of a beetle tree -- here there and everywhere. And that's precisely what they did when we found them in Cape May. There was an outbreak in 2003, sort of a major bust-out. The DEP foresters did the right thing, had a suppression plan. I work for the contractor that went to do the suppression; when we were half done, the DEP itself came out and threw us off the ground and said, "Oh, there's endangered species, we can't do that." That led to this.

After that major outbreak in 2003, the population went down again, which it does, and you're going to see that through the years. And it did the same thing: it started staging. You see a little bit in Estell Manor, a little bit in Mays Landing, then bang -- last year the beetle collection data last spring predicted this. So last summer was not a surprise to anybody. The DEP had the data. This is going to happen, folks.

So my hope--

SENATOR SMITH: Your government is far from perfect. There's no question about it.

Let me ask you this: Barbara McConnell's suggestion -- one of her suggestions -- was to urge the Governor to, in effect, declare an environmental emergency, to give the Commissioner of the DEP emergency powers to address the pine beetle in order to get beyond the red tape and permitting processes. Would that be your recommendation as well?

MR. WILLIAMS: Yes.

SENATOR SMITH: All right.

MR. WILLIAMS: We've been asking for a year.

SENATOR SMITH: Amy Cradic-- Amy Cradic, DEP, stand up, please. Or David Glass, stand up. Can you guys handle this? Because I'm really coming to the conclusion--

A M Y C R A D I C: (off mike) We have a few comments that we'd like to come up and make to provide some of what our overall efforts--

SENATOR SMITH: All right. Well, the question I'm going to ask you, and Committee members are going to ask you, is if we urge the Governor, and I would think Lieutenant--

SENATOR BATEMAN: Executive order?

SENATOR SMITH: (Indiscernible) I know would be perfect. Sounds to me like we have a red tape problem here. (laughter) I think we're going to ask you the question: If we urge the Governor to grant you these emergency powers, can you deal with it? And you don't have to do it right now--

MS. CRADIC: Okay.

SENATOR SMITH: Let's let Bob finish his testimony. But be prepared -- that's going to be the question.

Bob, I'm sorry to interrupt--

SENATOR BATEMAN: Mr. Chairman, I have one question for him.

SENATOR SMITH: Sure, go ahead Senator.

SENATOR BATEMAN: You said it could be prevented.

MR. WILLIAMS: Yes.

SENATOR BATEMAN: Now, if I understand, the only way you can prevent it is by cutting down the trees?

MR. WILLIAMS: That's right.

SENATOR BATEMAN: Okay. But you said years ago it could have been prevented?

MR. WILLIAMS: Yes. And the foresters did an excellent job of presenting a plan to the Pinelands Commission, which the Pinelands Commission approved. And they went out to bid, and the contractors that got that bid hired me as their forester. So I went out with the State foresters and we were doing suppression activities, and when we were half through -- where we were to move to this 300-acre infestation -- we were shut down. "We have endangered species." So we just took our equipment and said, "You can't help these folks." Now, fortunately the beetles subsided, and they're out there but it's not really something that the public is aware of. But that's what they do. And that's the critical time to get them early. Because once you have it under control, the need to go out there and aggressively cut trees, or the things that we need to do, kind of lowers.

Before I leave, this discussion has to include prevention -- not just suppression, not just going out there today with loggers to try to keep it intact. How do we avoid this from being a problem if we get it under control? And the way we do that is by sustained, healthy forests. It is a scientific fact that this southern pine beetle cannot motivate through healthy forests. In fact, it starts to play a positive role, in that it will kill a half a dozen trees -- that's good for a forest. Dead trees in a forest are a good thing, but not a dead forest.

So the good news is the science is all there; the scientists have been here; we've had the best people in the United States here -- they want to help. They're getting money. And it's just a darn shame that we're going to allow bureaucratic--

SENATOR SMITH: Red tape.

MR. WILLIAMS: Red tape, whatever it is. I-- You know, I could tell you what I really think it is, but-- (laughter)

SENATOR SMITH: You can't use those words in a family committee show. (laughter)

MR. WILLIAMS: Unless you have a question, I don't know what else to say.

SENATOR SMITH: But we'd ask you to stick around, okay?

MR. WILLIAMS: Okay.

SENATOR SMITH: We're going to get to the rest of our witnesses, then we're going to bring up the DEP and, hopefully, we'll pin the tail on the donkey. (laughter)

Jeff Tittel, Sierra Club. Mr. Tittel, are you here?

SENATOR BATEMAN: He was here a minute ago.

SENATOR SMITH: He was here. All right, so Barbara McConnell-- Maeghan (indicating pronunciation) Brass, New Jersey--

M A E G H A N B R A S S: (off mike) Maeghan Brass (indicating pronunciation).

SENATOR SMITH: Maeghan.

MS. BRASS: There's no need for us to testify, and we've provided written testimony for the Committee, which is substantial. But thank you.

SENATOR SMITH: What did you say in your written testimony?

MS. BRASS: (off mike) We're very concerned with--

SENATOR SMITH: Okay.

MS. BRASS: --the southern pine beetle, and ask for immediate action and funding, as well, for this.

SENATOR SMITH: Okay, got it.

DEP, come on up.

MS. HOROWITZ (Committee Aide): There's Mr. Tittel.

SENATOR SMITH: Oh, Mr. Tittel.

J E F F T I T T E L: (off mike) Yes.

SENATOR SMITH: Would you like an opportunity to speak?

MR. TITTEL: Yes, I'll be brief because I have to go deal with our other big issue of the day.

SENATOR SMITH: Which is?

MR. TITTEL: Fracking.

I think that in listening to some of the testimony that, yes, the State has been slow to move, and part of it is their fault, part of it is your fault because of the lack of resources -- not having enough staff in DEP, especially in the forestry program, I think is one of the problems. But I think, as you go forward, you need to make sure that the eradication of the southern pine beetle doesn't become a way of turning the Pinelands into a grassland. That when you go in and take down those areas that are infected or those areas around what are infected, you should leave the wood where it drops, because by moving the wood around you could be spreading the beetle.

Second thing is, by putting it where it drops it protects the soils from erosion, it protects the soils from invasive species, it helps protect any species of birds or whatever that are in that area. By moving things out, you could actually make things a lot more worse. And I think that is one of the things you should really look at, because you will be opening things up for invasive species and more deer, and the forest may not regenerate so easily, especially with deer overpopulation. And leaving the logs in place actually acts to protect the soils, protect the land. It also acts as a carbon sink, because when those trees go back into the soil they make the soils richer in carbon. And so we really believe that's very important.

We also believe that as you do the cutting and that, that you need to make sure we're not running roads through wetlands, and skidders and other vehicles through wetlands and through streams; that there are actually protections to make sure that we're not going to be allowing for a lot of erosion to take place.

We also believe that this is an important issue, but we have to do it in a very clear and responsible way so that we don't make things worse in that process.

Thank you.

SENATOR SMITH: Do no harm.

MR. TITTEL: Yes.

SENATOR SMITH: Thank you, sir.

And that concludes our signed-up witnesses.

How about David and Amy -- come on up. Let's hear from the DEP.

And just for the record, for the transcript, Amy, if you'd introduce everybody.

MS. CRADIC: David's going to--

SENATOR SMITH: Or David.

Put the microphone on, too.

DAVID GLASS: Yes.

David Glass, Deputy Chief of Staff, DEP.

Mr. Chairman, members of the Committee, thank you for the opportunity today to present -- the opportunity for DEP to discuss the southern pine beetle, and highlight some of the steps we've taken so far and some of the steps that we do need to take to combat this issue.

I'm joined today by Assistant Commissioner Amy Cradic from Historic and Natural Resources; and also our State Forester, Lynn Fleming, who will provide facts about the southern pine beetle, a threat that is currently facing our state. In addition, we'll highlight some of the steps the State has taken to date and future steps that we are taking working with the U.S. Forest Service, Pinelands Commission, local and county government, consulting foresters, certified tree experts in the private sector to address this issue. And we'll be happy to take any questions.

Before we get to Assistant Commissioner Cradic, I'd like to mention that close coordination and organization is of vital importance to streamline any potential permit requirements, especially as (indiscernible) private landowners have discussed before. And I'd also like to highlight, just for those listening as well, that we do have a web page: it's www.southernpinebeetle.nj.gov. And the importance of that is that we actually have numbers on there for our southern field office and also our

office here in Trenton, especially for private landowners. As soon as they see signs of a southern pine beetle they can call our offices immediately so that we can conduct inspections.

Additionally, I'd like to highlight the public opportunities that we've created so far and that we'll continue to create. Last month we hosted -- actually, since July, we've hosted 10 public meetings in coordination with Rutgers Agricultural Experiment Station -- information sessions and field tours. We're actually having one tomorrow night in Ocean County. And especially with the field tours, if any members of the Committee are interested in going along on one of those, I'm happy to arrange that for you.

And as we recognize, while there's still much work to be done with this issue, we're taking steps to combat it -- we'll continue to take steps. And, as I mentioned, we'll be happy to take any questions after you're done.

MS. CRADIC: Chairman Smith and Committee members, again, we appreciate the opportunity to talk about some of our proactive steps that we are taking to deal with the southern pine beetle infestation.

From 2001 until about 2010, there were only about-- What we've tracked -- about 26,000 acres in the Pine Barrens that had been impacted. That spiked up in 2010 to-- Fourteen thousand of that 26,000 acres happened in that year. What we've done is -- and we agree with a lot of the testimony -- that there needs to be multi-level coordination in order to combat that. We've had very close discussions with the Pinelands Commission; we've worked very closely to streamline the permitting process. We've done outreach to 265 municipalities where we have

detected the potential or have identified active southern pine beetle infestation. We've asked those 265 municipalities to provide us a liaison so that we have a direct contact with the local government to help streamline, again, the process, because there's only about a third of the infestation on State lands. The majority of this, as you heard in previous testimony, is on private lands. And we need the coordination, and provide information through the municipality as well as the private landowners.

We've created, under the State Forester, who's been working very closely with the Federal government on this -- because the U.S. Forest Service has a lot of experience about this infestation in the southeastern states. We've coordinated a scientific ad hoc advisory committee. There are representatives from the U.S. Forest Service, from Texas Forest Service, Dartmouth University, the Pinelands Commission, Rutgers University, Stockton College, members of the private industry, landowners and consultants. And we have used that science advisory group to deal with the southern pine beetle, to talk about: What are our suppression activities? Where do we have to go next? We're also using that group as an educational forum.

We've been working, as you've heard, very closely with Rutgers Cooperative Extension, and Dartmouth, as well as other organizations that participated, to do significant educational outreach so that our municipal partners can understand that you have to react quickly; you have to coordinate with us to get the permits. A lot of the permits that are needed are not even under the jurisdiction of the Pinelands Commission -- they're at the local municipal level. I think 30 percent of the municipalities that we've notified with the problem have provided us with the liaison. So

again, a big part of this coordination effort we need municipal support in order to streamline the process.

As you've heard, we do as well as the Pinelands Commission so that you're not waiting weeks to address a problem that has to be addressed in days.

And again, we've brought the consultants to the table, we've brought the educational community together to talk to us about how best to combat that. To date, we have probably felled about 18 acres of trees on State property to create buffers and a suppression line for the southern pine beetle. The State Forester can talk about this a little, but we're never going to eradicate the problem; however, we have to manage the problem. And that's why this science advisory group is so critical as we move forward to address the issue.

Last week we notified 11 municipalities about the potential activity in their municipality. We've got about 1,300 active heads -- active areas where we see the southern pine beetle. This year, in 2011, we've done aerial surveys and have identified about 5,500 acres in the Pinelands that have been impacted in 2011.

As it was noted earlier, we've been working very, very closely with the U.S. Forest Service. We are expecting \$600,000 in funding to help address the problem. About \$300,000 of that -- about half of that -- we are looking to turn back -- to give back out to municipalities and private landowners to deal with some of the problems on their properties. Is that amount of money going to handle it totally? No, but it's a start. It's our way, our first efforts, with support of the U.S. Forest Service, to get some

money and some active management on the private properties as well the municipal lands.

Again, the State Forester is here to answer any technical questions. As far as an emergency order at the State level: It is something that has been raised by our constituents. We've talked to Commissioner Martin preliminarily about it; he said to look into it to see what type of relief that would provide. But I think I'd like to assure everybody that DEP has played a lead role in pulling together all the constituents both at the State and the local level, as well as the private and the educational community, to try to combat this as thoroughly and as effectively as we can.

SENATOR BATEMAN: Mr. Chairman, a question.

Are trees being cut down now?

MS. CRADIC: Yes, we've--

SENATOR BATEMAN: As we speak?

MS. CRADIC: --cut, again, about 18 acres on State lands.

SENATOR SMITH: One, eight?

MS. CRADIC: Eighteen--

SENATOR SMITH: One, eight? Is that enough?

MS. CRADIC: One, eight. Yes, yes.

SENATOR SMITH: Yes, is that enough?

MS. CRADIC: We have identified 39 acres. We've put out a bid--

LYNN E. FLEMING: We have-- We've identified currently that we have about 339 acres--

MS. HOROWITZ: Push the button (referring to PA microphone)

MS. FLEMING: Oh, it's not on?

MS. CRADIC: It's on.

MS. FLEMING: It's on.

SENATOR BATEMAN: You have to turn yours off.

MS. FLEMING: We've identified currently 339 acres on State lands that need to be suppressed; however -- or that are infested, excuse me. And we are determining, based on priorities, based on ecological reasons, etc., whether or not we would, in fact, remove all of them; because there are certain locations where it is not going to be a priority. We may want to leave certain areas, and that has been substantiated through our Federal partners and others in other states. We are looking to address approximately 39 of those acres; we've currently addressed 18, so we are in the process of moving forward. We've been using in-house staff currently, and we just received a bid -- bids yesterday to contract out and to bring additional resources in to help support those efforts.

MS. CRADIC: On State property.

MS. FELMING: On State lands only; on the DEP lands only.

So I know I see your question there.

SENATOR SMITH: Eye roll. They're called eye rolls.
(laughter)

MS. FLEMING: Yes. There again, because of the location, because of the public safety hazard, we're prioritizing where the most important needs are to address.

SENATOR SMITH: Yes, but isn't-- Let me ask you a question. When you say we've done 18, we're going to 39, but there's \$300,000 that was invested. Is the prioritization -- the triage -- a function

of the resources that you have? You know, you have X dollars and that's it, and I'm going to spend them the best way I can; or that that actually solves the problem or dramatically improves the problem?

MS. FLEMING: It's a combination, and each circumstance is going to be unique in the way we evaluate it. It's based on whether we have the resource in that particular area, whether we can access that particular area. Is it one where there may be a couple of areas-- What we call-- It's almost as a forest fire where you -- particularly in the areas in the southern part of the state -- where we have active heads and it's sort of moving. And you may have four or five-- You may have that large area and they may only have, say, four or five active heads. And it may be an area where the active heads are going to come together and kill each other, so to speak. And so again, it's a little deceiving in saying that we have this much land that's infested. But there may be certain circumstances that, we just feel that, if we allow the pine to die in that area-- We want a different regeneration anyway.

SENATOR SMITH: Okay. What did the 18 acres cost to cut down?

MS. FLEMING: That I don't have the exact figure, but it was utilizing internal resources, so in-house staff. And I-- If you want that information, I certainly can obtain that. I don't have that on hand.

SENATOR SMITH: On the 39 acres, you said you received bids yesterday.

MS. FLEMING: Yes we did.

SENATOR SMITH: What is the order of magnitude of the bids for 39 acres?

MS. FLEMING: Well, the bids that we received were simply to say that if we have-- How much would it cost -- how much wood would it cost? I can't answer that question right today, but I can answer it, because I do have the bids and we have to analyze, because it's based on -- one head might be a half-acre, another head may be two acres.

SENATOR SMITH: Right.

MS. FLEMING: So I'd have to look at the different heads and the sizes and determine that, but again--

MR. GLASS: We'll follow up through the Chair.

SENATOR SMITH: Yes, I'd appreciate it if you would let us know that.

What is the source of funds for this?

MS. FLEMING: Currently, we are using our in-house funds.

MS. CRADIC: We're using our current--

SENATOR SMITH: First of all, I didn't think you had any in-house funds. (laughter)

MS. CRADIC: Well, we're using our staff time. We're using-- We have prioritized the Forestry staff and using the help of forest fire staff to deal with the problem. And we've also, again, been in very close coordination with the U.S. Forest Service because they, for years, have had a pot of money for the southeastern states where this issue has been the most prominent. They are recognizing that the State has been very proactive and, again, that's where the first \$600,000 is coming from. And then they are in discussions with us about additional funding to help with our suppression efforts.

SENATOR SMITH: All right. I have hopes that the forestry bill -- and I think it's Senator Bateman and I that are on that bill, which we released from this Committee and it's ready to be voted on by the Senate -- will pass. That will give you some opportunities on State-owned lands and also some revenues from-- You'll be able to manage the forest before, and you'll get some revenues to manage the forest better. So I have some hope for that.

I'm a little concerned about the comments from Mr. Williams that on the private side it takes a long time to get a permit done. And your comment was that 30 percent of the municipalities have given you a contact person--

MS. CRADIC: Thirty-eight.

SENATOR SMITH: What happened to the other 70 percent? I mean, if this-- This sounds to me like this is a pretty serious environmental situation. Why aren't the other towns responding to you affirmatively?

MS. CRADIC: I mean, we continue to schedule outreach sessions, with Rutgers University, where we think maybe some of the slow response has been because of the time of year and that people aren't here. So in September--

SENATOR SMITH: Well, and maybe that there's nobody left at the municipal level too.

MS. CRADIC: Yes, well--

SENATOR SMITH: You have very few people left; they have very few people left.

MS. CRADIC: Well, we're doing outreach, we don't intend on stopping that outreach and as many educational forums as we can provide, and as many liaison contacts at the local level that we can establish. You know, we're being as aggressive as we can.

SENATOR SMITH: What do you think about the suggestion from Ms. McConnell's group, the State Foresters, and Mr. Williams and his group that emergency powers given to the DEP Commissioner would dramatically reduce the bureaucratic overhang?

MS. CRADIC: Again, that is an issue that Commissioner Martin asked us to look at, and in the interim I think the most effective tool is to make sure that all levels of government -- municipal, local, Pinelands Commission, DEP -- are talking and moving as closely as we possibly can. There's been a streamlining process for our permitting to date. I think we do have to be more effective in reaching some of the local municipalities to be, again, more proactive.

SENATOR SMITH: The problem, of course, here -- and I think Mr. Williams summed it up best -- is that this is a wild fire. I mean, we're talking 14,000 acres; he's talking probably 40,000 acres, and every day this is getting worse and worse.

I don't know how the rest of the Committee is, but I don't have a problem, either individually or as a Committee, sending a letter to the Governor saying, "Governor, this is an environmental emergency and we'd like the DEP Commissioner to have emergency powers to supersede local regulations -- even Pinelands -- to get this job done." How do people feel about it?

SENATOR BATEMAN: I agree with you, Mr. Chairman. This may warrant executive order. I mean, it's that serious.

SENATOR SMITH: Yes.

Senator Beck, how do you-- What do you think?

SENATOR BECK: I'd be okay with that if the municipality was given another opportunity. I mean, I think you've made a good point that it's summer, most municipality governing bodies are not meeting regularly. So maybe mayor and council are not as focused on their agenda as they usually are. So I would be fine if the DEP Commissioner approaches a municipality, and within a certain window of time is not getting a response then exercises their authority. But I think just to jump into a town where, without any advance warning or giving them an opportunity again-- You don't know where this correspondence has been directed, you don't know if it's to -- who is receive-- Is it the Public Works Director? I mean, before we start jumping into towns and taking over the town, I think we should give them a real opportunity to respond.

SENATOR SMITH: Okay, you're--

SENATOR BECK: And it even occurred to me that not only should the Commissioner of DEP be doing a letter to these mayors and council members, but maybe our Committee should be sending a letter to them to say, "We've held a public hearing on this issue; we want to bring to your attentions how emergent and critical and threatening this is, and we want you to react," to reinforce the work that the Commissioner and the DEP are already doing.

SENATOR SMITH: All right.

SENATOR BATEMAN: Mr. Chairman.

SENATOR SMITH: I gather you're a little uncomfortable with it.

Senator Bateman.

SENATOR BATEMAN: Let me ask a question.

I mean, did this outreach just start now or has this been going on for months or years?

MS. CRADIC: The ad hoc committee started in June; the aggressive outreach efforts have been over the last several months because the big outbreak, again, happened in 2010, and that's when we started coordinating with the U.S. Forest Service. They made a couple of recommendations about how we should organize and what type of outreach that we should do.

SENATOR BATEMAN: Yes, so it was prior to the summer.

MR. GLASS: And we had-- Senator, if I might add as well, we've had 10 public outreach meetings over the summer. We expect to continue those into the fall and have better attendance. Again, with summer schedules--

SENATOR SMITH: It sounds like you made a very serious effort. The problem is this is a wild fire that's out of control.

SENATOR BATEMAN: Time is of the essence, I believe.

SENATOR SMITH: Senator Greenstein.

SENATOR GREENSTEIN: I just want to say, whether we ask for something as serious as an executive order or not, I do think a letter is a good idea to show what we've heard here and that we're all extremely concerned.

SENATOR SMITH: Well, and I'd like to give emergency powers to the DEP Commissioner to supersede the local regulations, if it's necessary.

SENATOR BECK: If it's necessary.

SENATOR SMITH: Yes. I mean, this is not something we can sit on.

SENATOR BATEMAN: I agree.

SENATOR BECK: I mean--

SENATOR SMITH: And I think we'll ask Senator Gordon when he comes back, and we'll put together a letter and hopefully we'll circulate it to see if everybody's comfortable. If you're comfortable you sign; if you're not comfortable, you don't.

SENATOR BATEMAN: Fair enough.

SENATOR SMITH: We'll get it out to the Governor and see if we can get something done. And we'll also try and get that forestry bill done so you have some resources -- you have some management tools that you don't have now.

Is there anything else DEP wants to add?

MR. GLASS: I just want to mention, just as a take-away: I left a fact sheet for you. But, again, I do want to offer, if any of the members are interested in a site visit please let me know. We're happy to arrange it as well.

SENATOR BECK: Chairman, could I just--

SENATOR SMITH: Yes, Senator, sure.

SENATOR BECK: The flyer that was handed out with the picture of the larvae and the-- Makes me think that I'm not that crazy about doing a site visit because they look pretty gross. (laughter)

MS. CRADIC: We did have samples we were going to bring in.

MR. GLASS: Yes, we didn't bring those in. (laughter)

SENATOR BECK: Yes, yes. They're pretty disgusting.

But I did want to just follow up on Dave's comment that you've done 10 public meetings. How many municipalities are affected by this? You've done 10 meetings, but how many-- Is it 10 municipalities? Is it--

MS. CRADIC: We have outreached to 265 municipalities to date, where we've identified the potential or the existence of the southern pine beetle.

SENATOR BECK: Okay. And when you say outreach, what do you mean by that? A letter, a phone call? Both?

MS. CRADIC: We've worked through Cindy Randazzo, who has a network system with our mayors which has been very effective on multiple levels in the DEP. We've also done notices through Rutgers University for the public outreach sessions. We've done press releases to talk about our southern pine beetle efforts. We've done direct letters of invite.

MS. FLEMING: Yes, a member of my Southern Pine Beetle Advisory Committee is Mayor Pikolycky from Woodbine. And he and I both sent a letter to each of the 265 municipalities advising them of this concern and requesting their assistance in providing a liaison for us. We also -- Nancy Wittenberg and I -- also attended a meeting with the

Pinelands' mayors back in July, to discuss with the mayors within the Pinelands areas of the concern, and encouraging them to work with our landowners; as well as to advise them of potential grant opportunities that would be coming down the road for them.

SENATOR BECK: Okay. But let me just be clear: So you did one letter to the 260 mayors.

MS. FLEMING: There's been one direct letter, yes; and then numerous other communications.

SENATOR BECK: So I just, for the Committee -- and many of us have served on local governing bodies, and we arrive at the council meeting and there's a packet of 500 pages of documents. And you skim through it and you see something about a beetle of some type or sort. I just-- I'm not opposed to giving the Commissioner the authority to go in and remedy what is clearly a crisis; but I also don't think we should assume that these municipalities are reluctant to act. It may just simply be they've only had one letter, and it may have come in the spring or the summer and they didn't-- They're not seeing it.

MS. CRADIC: We will send another letter.

SENATOR BECK: Yes, I think we should. I think we should give them an opportunity to act out of their own volition. This is going to affect their citizens and their residents; and if they choose not to act, I think the DEP Commissioner has to come in, because it's a State issue and a State crisis.

SENATOR SMITH: Thank you for your comments. We'll put a draft together and circulate it, and those who feel comfortable can sign; and if you're not comfortable, don't sign.

Thank you for your comments today. That concludes the hearing on the southern pine beetle.

(HEARING CONCLUDED)