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# *Public Hearing*

before

## ASSEMBLY AGRICULTURE AND NATURAL RESOURCES COMMITTEE

*“Wildfire management in the Pinelands”*

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**LOCATION:** Cecil Fire Company Hall  
Williamstown, New Jersey

**DATE:** August 29, 2002  
10:00 a.m.

**MEMBERS OF COMMITTEE PRESENT:**

Assemblyman Robert J. Smith II, Chairman  
Assemblyman Douglas H. Fisher, Vice-Chairman  
Assemblyman Herbert C. Conaway Jr.  
Assemblyman George F. Geist



**ALSO PRESENT:**

Jeffrey T. Climpson  
*Office of Legislative Services  
Committee Aide*

Beth Schroeder  
*Assembly Majority  
Committee Aide*

Jerry Traino  
*Assembly Republican  
Committee Aide*

***Hearing Recorded and Transcribed by***  
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Hearing Unit, State House Annex, PO 068, Trenton, New Jersey

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**ASSEMBLYMAN ROBERT J. SMITH II, (Chairman):** Good morning, everyone. I wanted to thank everyone for coming out this morning.

The reason for the hearing is that I had a conversation with Mr. Williams about six weeks ago. And he's going to testify here this morning.

There are some grave concerns about the interface between suburban development and the Pinelands and other woodlands and the risk that that interface is to the inhabitants of these suburban dwellings.

I'm not going to say too much in introductory remarks, but I'm going to allow everybody the opportunity to introduce themselves. I'm the Chairman of the Natural Resources and Agricultural Committee. And I live in this district. Williamstown, Monroe Township is a part of my district, which encompasses a significant portion of the Pinelands. So I thought it was very appropriate that we have this hearing in the Pinelands in Monroe Township.

And I'll start off with George, as an introduction.

ASSEMBLYMAN GEIST: Thank you, Chairman Smith.

Good morning, everyone. Welcome to our district. Chairman Smith and I represent the friendly confines of the 4th Legislative District. To our host, Cecil Fire Company, I thank you for enabling this forum at a convenient location for our South Jersey.

Chairman, I just want to comment briefly by saying that your calling this meeting was more effective than the traditional Indian rain dance, because it was almost remarkable, the coincidence where you convened this meeting and suddenly the rain came forth. So, on behalf of South Jersey, I thank you for inspiring a rain dance, legislative-style. On a serious matter of

water quality, water quantity, public safety, it's appropriate that we're here today as we begin to focus on legislation, as we return to Trenton.

I thank all of you for your participation and look forward to listening and learning.

Thank you, Chairman Smith.

ASSEMBLYMAN SMITH: Thank you, Assemblyman.

Assemblyman.

ASSEMBLYMAN CONAWAY: Assemblyman Conaway.

I echo what George has said. This issue is important. We see what's happening in some of the Federal lands out west, with this very hot summer that has caused a lot of problems with fire -- as folks are living close to these areas. It raises concerns, certainly, for public safety and for the protection of property. Our management of the resource, the forestry resource and the water resource, is important to protecting those assets.

I'm very pleased -- my first turn in the Legislature to sponsor legislation to help beef up the fire services around the state to the extent that we need to do that, more of that. I intend to be supportive.

And, as George said, I'm very pleased to be here and to listen to all that will be said today.

Thank you, Mr. Chairman.

ASSEMBLYMAN FISHER: Thank you, Mr. Chairman.

I'm Doug Fisher, Assemblyman from the third district and Vice-Chair of the Agriculture and Natural Resources-- I'm delighted to be here today to be able to take -- hear the testimony involved with such a precious resource as the Pinelands, but, at the same time, understand the pressures of

expansion all around the Pinelands. So I'm sure you'll have a story to tell us today. Obviously, we're going to have some decisions that we can help shepherd through the Legislature, where appropriate.

And I'm delighted to be here.

ASSEMBLYMAN SMITH: Thank you.

I think I'm going to begin with Bob Williams. I had spoken with Mr. Williams about six or eight weeks ago. And he brought to my attention what he considered a very high priority -- something that needs to be a high priority -- that is, management in the Pinelands, particularly as it relates to fire prevention.

So, Bob, if you want to come up and start, I would appreciate it.

**BOB WILLIAMS:** Can you hear me.

ASSEMBLYMAN SMITH: Yes.

MR. WILLIAMS: I'm a Consulting Forester, and our company is located in Gloucester County, New Jersey, right up the street from here, actually.

For a number of years--

Land Dimensions.

I was born and raised in New Jersey, educated at Rutgers in the forestry program, and I've been a forester for 27 years. And in recent years, I've personally become very concerned about the health and vitality of these forests and the extreme fire hazard that they present today.

I have a little bit of a prepared statement. My statement is intended to be relatively general. I don't think I'm a person that needs to take

up a lot of your time. But I'd be happy to talk to anyone, at any time, to explain my thoughts further.

ASSEMBLYMAN SMITH: If you would, why don't you just summarize the findings in your statement. You don't have read it, obviously. But if you could hit on some of the major points and summarize, I think that would be helpful, because we really need an introduction when it comes to the issue that we're going to be talking about today. Obviously, after you're done, we're going to be calling up some of the professional firefighters, and some of the environmental groups are going to weigh in.

So, if you could begin laying out what you perceive to be the problem, that would be a great introduction.

MR. WILLIAMS: In my job, I'm responsible for managing about 75,000 acres of private land, primarily in southern New Jersey. We do manage forest land in Maryland, Delaware, and Pennsylvania. But southern New Jersey is our home base.

And private landowners own land for a number of reasons. Timber is one of them. But what I perceive is the forest-- If you look at the forest of southern New Jersey, a couple of things have happened that brought us to where we're at.

One is, probably in the 1930s, 1940s, foresters in the U.S. Forest Service began an intensive fire exclusion program: Smokey the Bear -- stop fires. And they've been extremely successful in that, in terms of suppressing fires. The problem comes in that the forests need fires. And once we stop natural occurring fires, we let the forest -- mother nature does its thing. It grows and--

So, we've got a forest that's in a condition that's probably not much like it was before settlement -- before European settlement. Fire played a major role in the maintenance of these forest systems. Native Americans set fires to keep the forest open so they could walk and hunt. And I think there was a forest that was likely structured with older-age class trees, no fuel ladder going up through the forest so a fire could get up and get going.

After that, in the last 40 years, we've gone out across the landscape and developed. And I'm convinced that we actually developed in a way that maximizes the potential for a catastrophic fire. People do not understand what a firestorm is and what it can do.

Now, I can tell you, as a young forester, I worked in the Northwest, and one of my jobs-- I was a fire crew boss on a heli-tack crew, and my job was to fly in in a helicopter and attack a little fire in a remote area before it got up and got going. And the one thing--

I wouldn't consider myself an expert in fire, but there are people here that are. But I do know a little bit about it. The one thing I do know is it's amazing how fast a tiny little fire can go out of control and turn into something that you're not going to put out. All you're going to do is get out of the way of it.

And I think, in large part, people here in, particularly, southern New Jersey simply don't have a clue that that could happen to us. Anyone who was around -- some of the older people, in the early '60s, in those fires know what can happen.

So today we're confronted with a problem. We're potentially going to lose significant loss of life and property. Life, to me, is more



important than property. And we have people and families out there that want to live in the forest. Developers promote wooded lots. They have premiums on them.

Anyway, we've done that. We all need to be aware of that. And something has to be done. The question people ask me-- "Well, what can you do about that?" I think it can be addressed. It's going to be very difficult. That issue ties directly to the health and welfare of the different forest ecosystems that are out there. So we have tremendous interest and pressure to protect our forest resources for the clean air they provide, the water they provide, the habitat for animals, plants, endangered species, and by excluding fire. We're now, actually, threatening those things. These forests are not as healthy as they should be. We're losing early successional plant habitat where many of our endangered plants need-- Plants need sun, and when the forest grows up without fire, it crowds out. There's no sun on the ground. We lose these species.

So the answer has to be some combination of looking at the exposure of people and property, and how do our forest management practices blend in with assuring that we're going to protect, enhance, and restore the environmental aspects of our forest systems.

Now, there's a lot of controversy about how that should be done. It's not going to be easy to do, but it can be done. It's a combination of putting fire back in the forests, prescribed burning. It's a combination of physically managing the forest structure, managing for species composition, managing for stem densities per acre. We have a lot of science that we know today that we can start applying out there.

It's going to take things beyond the physical management of the forest. It's going to take legislation or rules and regulations in terms of development. There are some places we should not be putting houses, but we all know the difficulty of saying to that landowner, "We're going to zone you out of using your land." But you would no longer let someone build a house in a floodplain where they would flood -- that's illegal. But, yet, we'll go out today and build houses like putting them right inside of an oil refinery. If a fire comes, they're done.

So that's my general-- If someone said, "What's the most important thing to start doing?" I think education -- getting people to understand: Here's a problem; here are the issues. And we need to start having some dialogue between a lot of different types of professional people -- of saying, how do we get to where the forests can sustain themselves, become fire-resistant, fire-adapted so that when fires come, they don't pose the threat that they do today and we can get there?

We have examples of it on private land and on some public land -- where some prescribed burning, in the past, is done. You see some of the forests are recovering. I think it's a result of 300 years of abusing the forest. I mean, basically, what they did in southern New Jersey was cut them all, burn them up, sort of a haphazard-- And no one was intending-- So now we have a forest that's in a condition where it needs help, is what I'm saying.

I think that covers what I was trying--

ASSEMBLYMAN SMITH: Sure. Do you believe that a substantial part of the problem is the fact that the fuel levels have built up over the years, because of lack of maintenance burning?

MR. WILLIAMS: I wouldn't say lack of the maintenance burning. I would say what we did was removed-- In other words, we had an ecosystem where one of the major components was fire. It developed over thousands of years, with fire as a part of maintaining it. And we removed that.

Well, any time you do that to an ecosystem, there's a dramatic change in how that thing functions. Well, in this case, the plants just keep growing. You have areas of the Pinelands that are going to have to be called the oaklands, because oak is not being suppressed by fire, so it's becoming the dominant tree species.

So that's where I'm saying you've got to look at the ecology of the system and the physical characteristics of it. But the lack of fire is probably the biggest reason that the forests are trying to be what they are today, whether that's wildfire or intended, prescribed burning.

Prescribed burning is very limited, because you can only do it a certain time of the year. But mother nature likes to have fires in the summer when plants are growing. That fire has a different effect on the ecosystem than a fire in the winter when the trees are dormant.

So we don't have that anymore. We suppress those right away. So we need to look at that and say, "Is it possible that at some point we're going to have to have some fires in the hot months, or do we do other things that mimic the effect of those types of fires?"

So, a fire is not a fire. It depends on when it is, its intensity, and how it affects the environment. It depends on all those things.

ASSEMBLYMAN SMITH: What did you mean by a high potential for a catastrophic fire?

MR. WILLIAMS: I think what's going to happen is, we're going to have the right day with the right humidity -- low humidity, and the right winds, and the fire's going to get started, not a little forest fire, but a firestorm. And that's what people need to start understanding. There's great variation.

When you have all these conditions that happen at the right time, that fire's going to start, and all-- We're going to ask our Forest Fire Service, which I think is as good as anybody in the country, the best we can put out there, and go ask them to do something that, number one, they're going to risk their lives and they're not going to be able to deal with it. All they're going to do is go to a point where, hopefully, the fire either hits a farm field or something. And I think those fires are just going to mushroom up into what I call firestorms -- what I saw.

And it's amazing to me. People will say, "Gees, we have 100 feet cleared around our--" These fires go over the New Jersey Parkway like it isn't even there. So what do you think is going to happen if you've got 40 or 50 homes tucked into a pine forest. It's just going to go through there. All those homes are going to do is feed it. That's what I mean. How big it will be-- That's anybody's guess.

ASSEMBLYMAN SMITH: Have you seen the results of a firestorm in the past?

MR. WILLIAMS: My experience in the west-- I've seen that.

ASSEMBLYMAN FISHER: I just had a question.

ASSEMBLYMAN SMITH: Sure.

ASSEMBLYMAN FISHER: At any time in the -- not in the fringe areas where there's much more development, but in the very pristine areas--

Is it our practice, first of all, any time that there's a fire that starts, we immediately attempt to put it out?

MR. WILLIAMS: I believe-- You'd have to ask the Forest Fire Service, but I believe that's the policy. I don't believe they let fires -- because the potential for that thing to grow up and-- I'm not the person to ask, but I'm sure some of these New Jersey State forest firefighters know what that is.

I think we have a total suppression policy. When there's a fire, they're there as fast as they can, and they get it out as fast as they can. And I think it almost has to be that way.

I can't believe that the State of New Jersey would take the risk of saying to these guys, "Well, you let that one go." And three days later, after a couple hundred homes are lost and some people might have died, who's taking that liability on? I mean, that's a whole other issue. The liability exposure here to, probably, the State Forest Fire Service, DEP, Pinelands Commission -- it's just overwhelming from someone in the private sector. That's where we're going to go if it happens to us. We're going to say, "Hey, we've been trying to tell people."

It's not a simple little problem. It's going to take a lot of focus. It's going to take-- The interesting thing is, it's going to take fire experts, biologists, botanists, foresters, ornithologists. It's going to take a team of experts that understand the forest, understand the dynamics of fire, understand the dynamics of timber harvesting, planting trees, growing trees.

Start to come up with some plans and policies and say, "Hey, the State wants to own all this land." Maybe we have 60 or 70 percent of the forest in private hands. We're trying to do something. But what good does it

do for me to work with the cranberry farmer managing his 1000 acres of land when he's surrounded by 150,000 acres of brush and fuel? He's just sort of hoping that it doesn't--

It's really going to take a lot of partnership effort to come to some planning -- conclusions and money. It's going to take a lot of money.

ASSEMBLYMAN CONAWAY: Mr. Chairman, I have a question.

One of the-- I was going to ask you-- If I heard your response to the Assemblyman's question, it sounds almost as if there's nothing we can do. I heard you say that the State can't have a policy of actually setting fires. And I know this is a Federal issue, as well, whether or not we're going to allow nature to take it's course. It sounds like our policy's been not to let nature take it's course and to suppress all these fires. And if I understood your testimony -- that policy has led to an unhealthy forest, and our development patterns have put a lot of people at risk.

MR. WILLIAMS: I think that's right.

ASSEMBLYMAN CONAWAY: And is there an answer other than doing some kind of controlled fire that will, one, improve the health of the ecosystem there, and reduce the fire risk and the possibility of loss of life and property?

MR. WILLIAMS: Yes.

ASSEMBLYMAN CONAWAY: I mean, something other than fire. You said-- I thought I heard you say that we can't do fires. And if we can't do fires--

MR. WILLIAMS: No, I didn't say that.

ASSEMBLYMAN CONAWAY: Okay, you didn't say that.

MR. WILLIAMS: What I mean to say is, the answer's going to be a combination of things. The answer's going to be a combination of starting some fires that we know how they're going to behave and there's minimal risk, along with management of that forest. Mechanical manipulation of it, that is, either thinning brush, cutting brush, thinning trees, getting more fire-resistant trees. Instead of having an oak forest, maybe we want that forest to start succeeding to a pine forest. So it's going to take somebody to look at the individual tracks of land, because all the forests are different. There's a great variety of types of forests there.

And that ultimate plan is going to have to make some decisions. Where do we cut trees? Where do we thin trees? Where can we put some fire without exposing ourselves to risk? All those things are going to have to happen. But we can deal with them.

ASSEMBLYMAN CONAWAY: We can deal with it.

MR. WILLIAMS: We can deal with it.

ASSEMBLYMAN CONAWAY: I was wondering if you could comment on the resources that are currently set in government to deal with this issue. You mentioned a bunch of experts and people that need to pay attention to this problem. Are there folks there that are paying attention to this problem now?

MR. WILLIAMS: I think there are people in the DEP who are aware. I think there are people in the Pinelands that are aware. I think there are people in all the conservation organizations that are aware. And I think everybody wants to do something. It's a matter of, okay, now, we're getting the legislators up to speed, as well. We're all aware, and we're all wanting to

do something. Now we have to start moving ahead. Too many times we get stuck on the private sector. We're moving ahead because we manage our land.

The Pinelands has a forestry program. We go in, meet all the standards of the Pinelands, get our permits, and go out on the landscape and try to meet some of these objectives on the private land. But we're so minuscule, in terms of the scale of what we're doing, we're not affecting this problem. This is a huge problem. You get in a helicopter and ride over southern New Jersey, it's a wilderness forest. People don't understand how huge it is.

ASSEMBLYMAN CONAWAY: One last question, Mr. Chairman, if I may.

You mentioned that you are doing things now in private-- Can you be more specific about that just for someone-- All right, does that mean you're clearing brush and thinning trees?

MR. WILLIAMS: Yes.

ASSEMBLYMAN CONAWAY: And you're doing that for private landowners now.

MR. WILLIAMS: Yes.

ASSEMBLYMAN CONAWAY: And are you able to do enough of it?

MR. WILLIAMS: No.

ASSEMBLYMAN CONAWAY: Okay, you're not able to do enough of it.

And can you comment on your interaction with government in trying to deal with this issue? Is there a single point person there that can take



the lead and manage this problem? Do you think there needs to be some reorganization? Do you think all the resources to deal with the problem are currently extant in government? What are your thoughts on that?

MR. WILLIAMS: Well, I think there's a pretty good organization within the government that has the capability of starting to do something. I think what we need to see is more cooperation among them, more cooperation with the Pinelands and the Forest Fire Service, and vice versa. Now, we've got to start working as a team. I think that's lacking.

In terms of what we do in the private sector, we've seen good cooperation, surprisingly to most people -- that the DEP and the Pinelands, in large part, really helps us get to a point where we're not violating any sections of the Pinelands or DEP, so that when we get our forest plans in place and they're permitted, the landowners are pretty well left alone as long as they're following their plans. That's a good thing. It can be much better.

But anytime-- I'm not a government person, so-- The government's in my way most of the time. But this is the way it is. I've seen it work really well. It can work. And we do have, in the DEP, a lot of people that are capable of starting to deal with this. We really do.

ASSEMBLYMAN SMITH: You had told me a story when we sat down. The problem is not restricted to the Pinelands. You were talking to me about your sister.

MR. WILLIAMS: No.

ASSEMBLYMAN SMITH: Could you just, for illustration purposes, repeat the story?

MR. WILLIAMS: People tend to, when we start to talk about South Jersey -- they tend to focus right on the Pinelands. And to me, the forest has nothing to do with the Pinelands. I treat all the forest the same. People will say, "Well, in the Pinelands, you need to be more sensitive." No, you should be like that on all the forests. We have substantial forested areas out of the Pinelands that pose the same risk. It's not just what we consider Chatsworth and southern New Jersey -- the heart of the Pinelands.

There are areas in CAFRA, there are areas in western Gloucester County. My sister-in-law lives in Vorhees. We're out of the Pinelands. They're building \$500,000 houses up against 4000 acres of fuel. And the last fire we had in Waterford, the ashes were falling onto her roof. And she called me up and said, "What you were telling me might actually happen some day." I said, "Well, it's going to happen." How can you build 400 houses with 30 feet of lawn between this forest? That's not in the Pinelands.

The issue of the forest, and managing that forest, and the fire hazards should not be limited in any way to a Pinelands issue. The principles that apply in the way we're going to solve this problem will be applicable to forests all over.

Now, you definitely, once you get into the Pinelands -- the hazard and the risk goes up because of the type of forest. But it doesn't eliminate it in other areas. It just doesn't.

ASSEMBLYMAN SMITH: Any further questions? (no response)

Thank you very much.

MR. WILLIAMS: Okay.

ASSEMBLYMAN SMITH: Okay. We have Jim Barresi, is it?

**JAMES S. BARRESI:** Yes.

ASSEMBLYMAN SMITH: State Forestry Service.

MR. BARRESI: Good morning.

ASSEMBLYMAN SMITH: Good morning.

MR. BARRESI: I've known Bob for a few years now. And I don't know anybody who's more passionate about what he does. We talk about the fire community and how the volunteer community is really engaged in what they do.

As far as caring and actually trying to make the environment better, I don't know any other person that is more dedicated than Bob. And I'm glad that he was here to, kind of, give you a little bit of his perspective.

What I'd like to do is try and build on what he said. Also, I've been, kind of, asked to give you a little bit of the history and the background of my agency, which is the State Forestry Service. I oversee the New Jersey Forest Fire Service in conjunction with our Acting State Firewarden. So think of me, today, as, kind of like, the history channel for the State Forestry Service.

So I'd like to, kind of, spend a few minutes on giving you a little bit of information on the background of how we got to where we are, with regard to legislation, and what activities we have, what are some of the primary causes of fires in New Jersey, and what, as an agency, we are doing. And then I'd like to go forward with Maris's presentation on the Forest Fire Service, and some of the questions, and some of the concerns that Bob raised as to what we're actually doing.

So let me start off by thanking, of course, Chairman Smith for providing the opportunity to comment on the topic of wildland fire management in the Pinelands.

As New Jersey State Forester, I do oversee the Department of Environmental Protection's State Forestry Service. The New Jersey Forest Fire Service makes up 75 percent of our organization and has the statutory mandate to minimize the threat to life, property, and damage of forest resources throughout the state and to use the appropriate prevention, presuppression, and suppression practices.

Forest fires, as we've said, have long been a part of an ongoing process within the Pine Barrens region. I'm going to focus a little bit on the Pine Barrens.

In 1755, for example, a fire was reported burning from Barnegat to Little Egg Harbor, which is approximately 30 miles. Another fire, in 1838, was reported in the *New York Herald* to have consumed or to have burnt 179,000 acres in Burlington and Monmouth counties.

In 1898, the State geologist, John C. Smock, authorized the hiring of a Pennsylvania consulting forester by the name of Gifford Pinchot. Pinchot was to investigate the loss of wood production to the State of New Jersey as a result of forest fires. Mr. Pinchot was also charged to study forest fires themselves and to devise a better means of fighting them.

His report was titled, *A Study of Forest Fires and Wood Production in Southern New Jersey*. His report concluded that the State of New Jersey was suffering significant losses to its natural resources as a result of forest fires. So, you can see, this is not a new problem to us.

He further concluded that a forest fire control strategy would need to be in place before other resource management objectives could be addressed. Mr. Pinchot then went on to become the first chief of the U.S. Forest Service.

It wasn't until 1905 that the State Legislature, under the direction of, the then, Governor Stokes, introduced a bill which provided for the appointment of the State Board of Forest Park and Reservation Commissioners. This bill passed both houses of the Legislature unanimously and was made law by the approval of the Governor on March 22, 1905.

Under the provisions of the law, the Governor named the members of the Commission, and they assembled in his office on June 27, 1905. With the creation of the Board of Forest Park Reservation Commissioners, it was natural that one of the first subjects to be discussed should be that of forest fires and how to prevent them, wrote William H. Chew, the board secretary, a name not unfamiliar to South Jersey. It is a subject that has been given very little legislative attention in New Jersey, and those fire laws, which are on the statute books, are lamentably ineffective. This is, again, in 1905.

Using the fire statistics from the State geologist's reports of 1902 to 1904, which were 226 fires, which consumed 225,426 acres, the Board prepared a bill providing for the appointment of firewardens and the prevention of forest fires and presented it to the Legislature. It passed, and the legislature became law -- the legislative process became law and was enacted on April 18, 1906. The law did not go into effect, however, until July 4, 1906, at which time Theophilus P. Price of Ocean County was named the first State Firewarden.

Price began, at once, to organize the Forest Fire Service throughout the wooded parts of New Jersey. As a beginning, the Commission decided to apply the law only to those townships having a compact wooded area of 4000 or more acres. The township committees in 81 townships throughout the State of New Jersey were instructed to appoint firewardens. The first firewarden of Monroe Township, Gloucester County, was Dunlevey Loughlin of Williamstown.

In 1910, a system of forest fire towers was constructed, and an agreement with the U.S. Postal Service for rural mail carriers to patrol the woods and report forest fires was signed.

In 1924, the Federal Clark-McNary Act presented, or gave us, the current system of forest fire protection that we now have in place. Our current partnership with the U.S. Forest Service was authorized by the 1978 Cooperative Forestry Assistance Act.

Today, the New Jersey Forest Fire Service is staffed by 90 full-time employees, 255 district firewardens, and over 2500 on-call firefighters. The Service staffs 21 fire towers for rapid detection. And in order to carry out its fire suppression mission, it maintains a vehicle fleet of specialized equipment.

The Forest Fire Service is divided geographically into three administrative districts. Division A covers North Jersey -- counties of the-- Excuse me. Division A covers the counties north of the Raritan River and has its headquarters in Franklin, New Jersey in Sussex County. Division B covers the counties between the Raritan and Mullica Rivers and has its headquarters located in New Lisbon, Burlington County. Division C covers the counties

south of the Mullica River and has its headquarters located in Mays Landing, Atlantic County. Our State headquarters is located in Trenton.

The reason for New Jersey's continuing wildfire problems are many and varied. As Bob mentioned, a wildfire equation has been developed to break the major factors into two broad categories: hazard plus risk equals wildfires.

Hazard is what burns. Vegetation in the New Jersey Pinelands has been described as one of the most hazardous wildland fuel complexes in the nation. Weather conditions contribute to the volatility of fuels as they did during the prolonged droughts of the '20s and '30s. The worst year for forest fires on record in New Jersey was 1930, when 267,000 acres -- 267,547 to be exact -- were burned. A huge fire in May of that year leveled the town of Forked River, Ocean County.

Risk is what causes fires. In New Jersey, 99 percent of wildfires are caused by people, either through carelessness or intentional acts. The New Jersey Forest Fire Service utilizes the National Wildfire Coordinating Group's classification system for wildfire causes. Based on our 10-year average, incendiary or arson fires is the number one cause of all wildfires in New Jersey and accounts for 39 percent of the total number of fires.

Children-caused fires are started by children either playing with matches or other forms of fire, and it's the second leading cause of wildfires in New Jersey. It makes up 16 percent of the total.

Miscellaneous fires are fires that cannot be put into any specific group. But examples of miscellaneous fires would be: arching electrical wires,

fireworks, or structure fires that may impact the adjacent woodlands. The miscellaneous category accounts for 15 percent of the state's wildfires.

Smoker fires are caused by careless smoking habits. Discarded matches, cigarettes, and cigar butts are the leading culprits. Careless smokers account for 8 percent of our state's wildfires.

Equipment use: using power equipment in wooded areas without spark arresters or proper safety procedures accounts for 6 percent of New Jersey's wildfires.

Railroads: fires set by railroad operations and poor maintenance of equipment account for 6 percent of the state's fires.

Debris burning was once a major cause of fires in this state. However, debris burning fires were significantly reduced as a result of the legislation in 1972 to ban open burning of garbage and leaves. Today, debris burning only accounts for about 5 percent of our wildfire problem.

Campfires: improperly built or unattended campfires account for 4 percent of the state's fires.

Lightning: lightning fires are a major cause of wildfires in the West and in the Southwest. But, in New Jersey, only 1 percent of the state's fires are caused by lightning.

Many of these categories of wildfire causes were identified in the fire reports of 1902 and 1904. There are some interesting exceptions though. Hunters, charcoal burners, tramps, and feeble-minded persons are no longer separate categories under the National Wildfire Coordinating Group.

A significant comparison that should be made with today's fire statistics as compared with those in 1902 to 1904 is the reduction in the lost



acreage, but, yet, the significant increase in the number of fires we have. On average, the New Jersey Forest Fire Service responds to 1500 wildfires a year, which consume less than 7000 acres. Compare this with the 226 fires for 225,426 acres over the three-year period from 1902 to 1904.

The increase in the numbers can partially be attributed to the increase in the state's population and to the additional numbers of people now residing in the Pinelands.

One of the greatest obstacles in wildfire management, currently facing our Forest Fire Service, is how to minimize the threat to life, property, and damage to the forest resources through the appropriate fire prevention, presuppression, and suppression practices in what is now being defined as the wildland-urban interface.

So, at this time, what I'd like to do is to introduce Maris Gabliks, our Acting State Firewarden, to, kind of, cover some of the challenges and some of the tactics that we're using in this wildland-urban interface. And then I'll come back for--

ASSEMBLYMAN FISHER: Well, I was going to--

ASSEMBLYMAN SMITH: Sure.

ASSEMBLYMAN FISHER: Just so I understand, you mentioned that you were the resource -- the history channel. And I got a-- It was a wonderful history, and we understand now what it is that the Forest Service does and how it got there.

My question is only-- It sounds as though, to me, that you're fully charged with the responsibility of making sure that fires are totally contained and you've had a good record of that.

MR. BARRESI: Yes.

ASSEMBLYMAN FISHER: Would that be--

MR. BARRESI: That's accurate. We do not have a let-burn policy because of the proximity of the residents that live in or around the forest. We suppress all the fires. And, Bob said, if a fire in this fuel complex gets up and running, we can lose significant acreage and we could also put people's lives and their property in jeopardy, and that's not our objective. We want to suppress fires.

ASSEMBLYMAN FISHER: And as a fire service-- The ecology of the forest, I mean, in terms of -- we talked about how the forest has changed its character. Some of the plant species are taking over other plant species. I mean, that isn't really part of what it is that you do in terms of maintaining the resource.

MR. BARRESI: The fire ecology of the Pine Barrens region, and getting into the use of prescribed fire in New Jersey, again, under the Clean Air Act of 1972, we cannot use fire for any other purpose but, then, to reduce hazardous fuel accumulations. If we wanted to start, as Bob said, use summer fires or fires other parts of the year -- by the Clean Air Act, we couldn't do that. We'd be putting particulates into the air, and we would be in non-attainment. We would have non-attainment of air quality standard issues. So what we use prescribed fire for, currently, is in the winter months, and only for the purpose of hazardous fuel reduction.

ASSEMBLYMAN FISHER: Thank you.

ASSEMBLYMAN SMITH: I have a question.

MR. BARRESI: Sure.

ASSEMBLYMAN SMITH: Do you--

And, Mr. Williams, please correct me if I'm wrong in representing your position.

Do you agree with Mr. Williams's premise that it's only a matter of time that we're going to have a catastrophic fire in South Jersey?

MR. BARRESI: What I would say is that we've had catastrophic fires. The Jake's Branch--

ASSEMBLYMAN SMITH: I'm talking about the catastrophic fire of, say, the early 1900s that you referred to, where there's thousands upon thousands of acres.

MR. BARRESI: We've had 20,000-acre fires. We've had 800-- To have a 100,000-acre fire -- the potential, yes, is there. I would hope that my agency or the Forest Fire Service would have the resources available to it to contain that fire. The drought conditions this year taxed our agency. We were out almost every day. We had quite a few resources to contain those fires. I would hope that we would have the wherewithal to not have that catastrophic fire. The potential is there. I think we have an agency that is equipped and trained to jump on those fires.

Our biggest problem would be to have a series of large fires that burned into a complex. If we had major fires -- 1000, 2000 acres that we were having come together to have that catastrophic situation, that I could see giving us those large numbers -- not a single event, but more of a series of events that led to the burning together of a major fire.

ASSEMBLYMAN SMITH: The 2000-acre fire that you referred to earlier-- Was that anywhere near dwellings or--

MR. BARRESI: The 1300 Jake's Branch Fire that happened in Berkeley Township? Yes, it destroyed, completely, one home, damaged eighteen. The Mayor of Berkeley Township, Jason Varano, is here, and he can comment to you on those. And we have some pictures that we will be showing.

ASSEMBLYMAN SMITH: Okay. Thank you.

ASSEMBLYMAN GEIST: Mr. Chairman.

ASSEMBLYMAN SMITH: Yes.

ASSEMBLYMAN GEIST: Thank you, Chairman Smith.

First of all, I'd like to compliment you and your remarkable capabilities in protecting our forests throughout New Jersey. I thank you for your testimony today.

I would like all of the witnesses, including you, to focus on the phenomena of the Pinelands Commission. Today's topic is wildfire management in the Pinelands. To the extent you can comment, I'd like to know what you think about the following: In what way does our Pinelands Commission policies impact wildfire management in New Jersey? I've always wondered about this entity, that we all know and hear about, called the Pinelands Commission.

We're talking today about the Pinelands, but no one yet has mentioned the Pinelands Commission. In what way do their policies impact your capability to protect us? In what manner do their policies, potentially, have a causation factor in the potential for a catastrophic fire? Can you focus on the Pinelands Commission in their policy judgement and how it impacts your capability to protect us?

MR. BARRESI: Well, Chuck Horner is here from the Pinelands Commission.

We actually have launched, in previous years, a committee that was studying fire in the pines. We've been working together to try and discuss the issues. We tried to take these topics to some of the communities that are in the Pinelands.

And we've been working very closely together. Unfortunately, there's been some changes in both organizations. We haven't brought that as far to the forefront as it should be. But we do work with the Pinelands Commission with regard to the establishment of prescribed burning lines, with our policies. And I would like to think that we would have a continued relationship with the Pinelands with regard to the fire issues and to minimize the risk to the residents through the policy of the Pinelands Commission. But I would defer the policy of the Pinelands Commission, specifically, to them to talk about.

I think we have a good relationship with the Pinelands Commission. I think we've been working together. I think we can do more. And I hope that we will have that opportunity.

ASSEMBLYMAN GEIST: A couple quick follow-ups, Chairman, if I may.

ASSEMBLYMAN SMITH: Sure.

ASSEMBLYMAN GEIST: Does the Pinelands Commission consult with you before reaching policy judgements that impact you? Do you have a presence at their meetings? Do they seek your input? Do they ask for

your counsel? Do they involve you in making judgements that potentially impact your capability to protect us?

MR. BARRESI: The Pinelands Commission has a forest advisory committee, and we have a seat on that committee. So we do have input into this.

ASSEMBLYMAN GEIST: Do you know of any legislative capabilities where we can assist you in your interface with the Pinelands Commission?

MR. BARRESI: I would like to explore those options. Right now, I don't have a suggestion to make on those. But I would definitely like to continue a dialogue with the Committee.

ASSEMBLYMAN GEIST: Is there anyone that you know of who has fire safety credentials serving on the Pinelands Commission?

MR. BARRESI: That's a good question. No, I do not know that.

ASSEMBLYMAN GEIST: Respectfully, I've never known of anyone who's had fire safety credentials serving on the Pinelands Commission. And I always wonder where these gubernatorial appointments come from. They seem to always come from the environmental community. But, respectfully, I think there's been a void of having someone who knows about fire safety serving on the Pinelands Commission. That's part of why I'm so inspired to be here today. I think it just makes common sense. If we're worried about fire management in the Pinelands, have someone who knows about fire serving on the Pinelands Commission.

That's enough of my editorial comment.

Thank you.

ASSEMBLYMAN CONAWAY: Well, I can't help but make one myself, on the editorial comment side. I think people will argue how much sway, particularly of late, the environmentalists have had on the Pinelands Commission.

Be that as it may, I wanted to ask you about the policy-making function. Who makes policy, and who impacts upon that? I mean, do you believe, given what has been said by Mr. Williams here -- and if I understood your comment -- that the policy of fire suppression over a number of years has-- I mean, would you agree with the statement that the policy of fire suppression over a number of years has led to decreased health of the forest and increased the risk of catastrophic fire?

MR. BARRESI: No, I wouldn't agree with that specific question. The increased suppression has led to the protection of life and property of the residents of the adjacent area. The decrease in health is a far greater issue, in my opinion, than just the suppression of all the wildfires.

ASSEMBLYMAN CONAWAY: And you mention risk. Fire suppression, I presume, means that there's more fuel in the forest. Is that a correct statement?

MR. BARRESI: It's a conclusion.

ASSEMBLYMAN CONAWAY: I mean, do you agree with it or not? Is that true?

MR. BARRESI: There is more vegetative growth in the Pinelands region. There is more fuel as a result of our suppression activities. However, we do prescribe burning on fringe areas, which reduces some of that accumulation. So there's different stages. There's less, lower shrub level.

There's more overstory vegetation. So, yes, but I would say the total tons per acre of accumulated fuel in the Pinelands has increased as a result of our fire suppression activities.

ASSEMBLYMAN CONAWAY: And that increase -- doesn't that bring with it risk of catastrophic fire that's been mentioned?

MR. BARRESI: It increases the hazard of fires. But the risk, again, is what causes fires. If you didn't have a risk factor engaged in the fire -- to say that you're going to have more of a catastrophic fire-- But we've shown that we have had 1500 fires versus 226. So we do have more people; we do have more potential for fires.

ASSEMBLYMAN CONAWAY: So I guess I need to understand this hazard versus risk. The hazard is created--

MR. BARRESI: The hazard is what burns. The risk is--

ASSEMBLYMAN CONAWAY: Is what burns-- And the risk is created by the presence of people, the uses of the forest, and things like that that can kick a fire up. Is that--

MR. BARRESI: Correct, start a fire.

ASSEMBLYMAN CONAWAY: And that-- In your hazard plus risk equals wildfire -- that's what you said.

MR. BARRESI: Yes.

ASSEMBLYMAN CONAWAY: So, in terms of the battle against the accumulation of fuel, we're probably losing that.

MR. BARRESI: See, I disagree that we're actually -- it's a battle to stop fuel accumulations. I think we want to have a productive forest. I



would think we want to have the vegetative growth. So, to say that we're losing a battle of hazardous fuel--

I think what we need to do, as Bob said, is to manage that fuel in a more -- under more of a forest management guideline and just, not to just, say that we have more of a fuel accumulation -- that we have more of a hazard. I think we need to do some good forestry practices. I think Gifford Pinchot said it -- that we need to manage our forest for resource objectives. And I think that we need to be working with not only foresters, but with ecologists and the environmentalist groups to develop a strategy that reduces that hazard, but still allows for the vegetative growth of the forest. We need that cover. We need the impact to our watersheds. We need to protect our watersheds. Having that soil fauna, having the vegetative cover, all contributes to the health of a forest.

So I think just saying that we're trying to reduce the vegetative amount that's out there is incorrect. What we need to do is to better manage our forest so that we have a healthy productive forest that provides all of the resource benefits jointly.

ASSEMBLYMAN CONAWAY: My comment about reducing the resources and the hazard was not meant to be all-encompassing. I presume that there were other things that needed to be done.

My question is, do you believe that the current policies under which you're operating now, that I guess you are partly responsible for making and enforcing, are adequate to-- I mean, do you think anything needs to change in terms of what we're doing, in terms of forestry management, I guess, is my question?

MR. BARRESI: Definitely. I think we need to change some of the practices that we are operating under. But I don't think that-- I have an opinion on what I feel needs to be done.

ASSEMBLYMAN CONAWAY: Please offer it. I mean, that's--

MR. BARRESI: Well, as I said, I think what we need to do is to get all of the groups that have a stake -- get all the stakeholders together that have a share in our resources to determine the best policy to manage our forest lands for their most productive capability for air, water quality, fiber production, you name it, and we'll try and reach those objectives.

But I also feel that a large percentage of our forests -- 62 percent, for example, of our forest land is under private ownership. It's not public ownership. And those private ownerships are engaged in resource management. And they have their own set of objectives on what, they feel, they want to be done with their forest lands.

And I think that that's some of the frustration that Bob feels, that we need to adopt policies that allow for our private landowners to meet the objectives that they're trying to accomplish and, at the same time, help us to try to reduce the hazardous fuel accumulations or the hazards of wildfire by implementing different strategies. As I said, Maris will cover some of those strategies in his presentation.

They need to be educated to what defensible spaces-- They need to be given the resources to provide for protection. There needs to be adequate water sources. You'll hear more about that. So I think there's a combination of policies that have to be put in place that lend itself to the increasing

population around the fringes of the Pinelands and other forested areas in New Jersey.

Again, as Assemblyman Geist said, we're focusing on the Pinelands, but this is-- The wildland fire issue is just not specifically a Pinelands issue. But we will focus on that here.

ASSEMBLYMAN CONAWAY: One other thing that has been mentioned is the need to get in and do culling and to -- well, you may disagree with this--

If I've heard Mr. Williams right, one of the things that the private landowners are doing is acting to decrease fuel. And, of course, government can regulate private action, particularly if there is a greater public good that will come in terms of safety, and greater public good that can be achieved.

But in order to get at trees that might need to be culled, brush that might need to be culled-- Can we get into these places and do that? I know there's a big issue at the Federal level about where roads are built. We have a college -- an important resource that needs to be protected. Can we get in and do-- Do we have the ability and do the-- If we decided -- had all the money in the world, and go in and pull out the oak trees that are causing all this problem and changing this Pinelands from what it used to be -- the Pinelands to an oaklands as mentioned-- Presumably, that means we need to get the oak trees out of there and get the brush out of there. Can we get in there and get those?<sup>18</sup> Do we have access that's consistent with our need to protect the resource, that will allow us to do that function, if we had the resources to do it?

MR. BARRESI: The Pinelands Commission has application procedures, policies, regulations. If we have practices that we want to accomplish, we go through their processes, and we could accomplish those tasks.

ASSEMBLYMAN CONAWAY: Thank you.

ASSEMBLYMAN SMITH: All right. Why don't we get started with the presentation then?

**M A R I S G A B L I K S:** I have a PowerPoint. I wanted to show it up front. I don't know if this shut off.

MR. CLIMPSON (Committee Aide): Do you want the screen, or are you going to use it on--

MR. GABLIKS: I think we're going to try to show it right up there.

Are we good to go? (affirmative response)

Again, my name is Maris Gabliks. I'm the Acting State Firewarden and Chief for the New Jersey Forest Fire Service.

I have just a couple comments before I start with the PowerPoint presentation.

Wildfire is a year-round occurrence in the Pine Barrens. A lot of times we look at the spring and fall as being our peak fire season, due to the lack of forest canopy, because the leaves are not on the trees. However, we can say that we do have wildfires every month of the year.

Since October of last year, when we really started feeling the effects of this current drought, statewide, we responded to 2309 wildfires, which have burned over 6000 acres of forest. So far, this year, since January

1, we've responded to and controlled 1616 wildfires. That's August 29, today, and we set an average fire year for New Jersey -- is 1500 to 1600 wildfires a year. So we're way above average this year due to the drought.

Now, the PowerPoint presentation-- What I'm going to talk about are some obstacles, experiences, policies, practices dealing with wildfires and dealing with fire in the Pine Barrens.

So what this PowerPoint, kind of, is, is an education program that we're going to be using for homeowners to educate them on the fire problem in the New Jersey Pines. However, it's very well suited for what we're talking about here today. So we'll go through it quickly. But it has a lot of good graphic details of what fire is in the New Jersey Pines.

All the graphics, all the photos in this PowerPoint, are New Jersey wildfires. Right here on the left bottom corner is one structure that was burned this year on the fire in Berkeley Township. And that was the first home we've lost on a wildfire since 1985, in New Jersey.

Like I said, this PowerPoint presentation was put together with some funding from the U.S. Forest Service -- National Fire Plan, which George Brooks, a representative from the U.S. Forest Service, will discuss. But, basically, the objectives are to talk to people about becoming fire wise.

What area encompasses the New Jersey Pine Barrens region? We look at it as more than just the Pinelands National Reserve. The Pinelands National Reserve is about 1.1 million. But as far as we're concerned, Pine Barrens' fires that present a problem to us probably double that area from Middlesex County all the way down to Cape May County.

And, like we said before, and Mr. Barresi said, about 1600 wildfires a year in New Jersey -- 99 percent of these wildfires are caused by humans, whether it's intentional or accidental.

Here, a key statement-- Each wildfire, especially those near developed areas, is a potential conflagration that can threaten human lives, structures, and imperil property, as well as natural resources.

Every year, across the United States, families lose their homes and possessions to the ravages of wildfire. Both New Jersey shots -- the one on the left is a -- I'm trying to think -- South Jersey, Cumberland County wildfire last year. Just some different shots, all South Jersey wildfires: homes threatened, homes damaged, Garden State Parkway closed, people evacuated.

The New Jersey Pine Barrens is no exception to these fires. Here's a couple structures, one that was destroyed on the fire in Berkeley Township this year, another out-building that was destroyed. A couple different other shots of fires here in New Jersey.

April 1963 -- can it happen again? Mr. Barresi spoke about a lot of the different fires -- large fires in New Jersey in the '20s, '30s, '40s. Probably the most significant wildfire event that happened in New Jersey in the last 50 years is April 1963. In, basically, one weekend -- April 20 through 21-- And this serves as a benchmark for wildfire losses across the United States. If you look at historic writings dealing with wildfires across the United States, this is a significant fire nationally. It's not just a New Jersey significant fire. One hundred eighty-three thousand acres of forest were destroyed, 186 homes were destroyed, 197 out-buildings, and seven human lives were lost on one weekend in April 20-21, 1963.

Just a flashback, a map of some of the fires. Some of the fires -- significant ones in Ocean County -- central Ocean County, but even down into this area, too, Gloucester County area. But the big red ones are the significant wildfires.

What is the wildland-urban interface that everybody's talking about -- this term? And the thing is, too, in New Jersey, this isn't a new term. And wildland-urban interface can take on a lot of different views. It could be homes tucked away in forests that you don't even see from the air if you fly over it. It could be senior citizen communities. It could be a recreational area, a campsite, or it could be just developments being built into forested areas.

Now, the actual definition that we use nationwide is: the wildland-urban interface is defined as line, area, or zone, or structures, and other human development meet or intermingle with undeveloped wildlands or vegetative fuel. That's a good definition of saying what it is. But, like we said, every picture is going to look a little bit different of what this wildland-urban interface is. And across New Jersey, especially the Pine Barrens, we have a lot of it, and it looks different in every different municipality, different county.

Here's a key one. Who is responsible for fire protection in the wildland-urban interface? And the key answer is, everyone is. Yes, we do have a part of it as the Forest Fire Service as, probably, the lead agency out there dealing with this. But we do have to involve a lot more people: the local residents, the local fire services, the local fire officials, building officials, the Pinelands Commission. So everybody is a stakeholder in this fire protection, in the interface.

Losses can be minimized if homeowners and occupants take things to make their homes defensible against wildfire. And that's why we're talking to these homeowners.

So some of the things we talk about: Is your home safe? Here's a fire in 1997 in Berkeley Township. It burned into a senior citizen development. So, this is your house, what can you do to protect yourself?

What is defensible space? It's probably another key term. Wildland-urban interface is a key term, but defensible space -- what is it? And, you can see, here's a picture -- development in the Pine Barrens. Which of these homes are defensible and which aren't? What is this defensible space?

What can we do? Here's property damage across South Jersey -- people that lack this defensible space. Their homes were damaged or their homes were lost.

Defensible space -- the official definition that we use nationwide -- all wildland firefighters-- Defensible space is an area between an improved property and a potential wildfire, where the combustibles have been removed or modified with the following intent. And they are: to protect life and property from wildfire; to reduce the potential for fire on an improved property spreading to wildland fuels; and, a big key one for us as the firefighters, to provide a safe working area for firefighters protecting life in improved property. With this defensible space, a lot of homes are defensible without a fire resource even being there. Sometimes the defensible space is going to make the difference between a home being a loser or a survivor.

Defensible space requirements-- We have some different requirements in New Jersey. If you're in moderate hazard, we're



recommending 30 feet of defensible space, which would be, maybe, more of an oak forest. High hazards: 75 feet. Extreme hazards: 100 feet of defensible space around the home or some type of improved property.

Some things-- Is your landscaping fire safe? Here's definitely a picture where -- hey, this looks great, but it's probably not the best, fire-wise, landscape around their home. Green lawns are definitely a good asset. This home clearly has defensible space -- and with that green, well-maintained, manicured lawn, it is definitely going to be a survivor if a wildfire were to threaten it.

Escape routes: A lot of areas, especially in senior citizen communities that we have in a lot of parts of South Jersey -- lot of cul-de-sacs, lot of ways, one way in, one way out -- lot of people, too, might not know the second way out. They're just thinking, "Hey, every day I have the same routine. I come in one way, and I leave one way." Under a wildfire situation, the road may be closed. So that's one of the biggest things we try to educate people on, knowing other access routes.

Protect the roof. It could be as simple as having a homeowner who failed to clean their roof or failed to clean their gutters, and it's full of combustible materials. All it takes is one ember from the wildfire to land on this roof, and the roof of the house is on fire. This roof also is constructed out of, like, a cedar-shake material, so it's going to be very receptive to starting a fire.

Home identification, emergency vehicle access -- extremely important that we can get our emergency vehicles, whether it's forest fire service or local fire resources, in the protected structure.

Attracted yards, again, are going to be your safe yards.

Additional safety tips -- just some there: removing combustible debris, using fire-resistant construction, developing an auxiliary water supply, obtaining permits for any open-burning. And, if a fire occurs, being prepared to fight fire. I mean, the homeowners -- a lot of times they stay with their structures. They need to be prepared to help defend that structure.

Here again, the prescribed burning here in New Jersey -- prescribed burning's been done since 1928. So we have a pretty long and good track record with using prescribed burning in the state. The official definition of prescribed burning is: The skillful application of fire under exacting conditions of weather and fuel, in a predetermined area, for a specific purpose, to achieve specific results. Here, in New Jersey, like Mr. Barresi said, our main objective to, legally, use prescribed burning is to reduce the build-up of hazardous fuel accumulations.

Historically, the majority of our prescribed burning program has been done on state lands. We have recently expanded onto county municipal, nonprofit lands. But we still do have, I guess, a hole in our private lands' prescribed burning program. How can we use more prescribed burning on the private forest lands? There are some parts of the state, working with consulting foresters, where they have pretty proactive programs. But that's probably one of our weakest spots with our prescribed burning program -- getting this program more on to private lands.

And, here again, the primary purpose of prescribed burning is wildfire hazard reduction. Prescribed burning to reduce forest fuels, coupled with other fire protection measures, can provide an effective level of fire

protection for homes in the interface. And we have had some programs where we have been doing the prescribed burning pretty close to improved property.

That pretty much sums up the actual presentation dealing with the PowerPoint presentation. I don't know if there's any comments right on that -- just some of the factors that I talked about there.

ASSEMBLYMAN CONAWAY: You mentioned the private lands there. I guess, there's nothing that permits-- If you decide that there's an inner private land that can use a prescribed burn, do you have the ability to make that happen?

MR. GABLIKS: What we can do, for a private land owner, is, we can supply equipment. And what we would require is that the local homeowner comes up with a liability insurance. And we ask that they would reimburse our part-time employee salaries for conducting the prescribed burning. So we can offer some support, but we can't 100 percent, totally, support it.

ASSEMBLYMAN CONAWAY: But what if it's needed, and they don't want to do it.

MR. GABLIKS: It would be impossible to do it then. If it's their property, they don't want to do it-- Right, there's nothing we can do about it.

ASSEMBLYMAN SMITH: How do the notification requirements work when it comes to prescribed burn? I saw that you had some road signs. Who is notified, and how is that accomplished?

MR. GABLIKS: Right. Awareness is very important with this prescribed burning, because what happens is, especially in South Jersey with a lot of people that have a historic -- who lived here -- they move into the area,

they smell smoke, what are they going to do? They're going to call 9-1-1. So it does create some problems there, because 9-1-1 dispatchers are going to be inundated with smoke calls when they have other emergencies to take care of.

We do try to notify ahead of time. And we do have a process when we are planning on prescribed burns. The public can make comments on them. But, prior to a prescribed burn job, we would notify the local authorities. And any homes that were adjacent, we would notify them.

ASSEMBLYMAN SMITH: When you say adjacent, what distance criteria--

MR. GABLIKS: I would say pretty close, within a quarter of a mile, because the smoke definitely is going to drift. And it would be impossible to notify everybody.

ASSEMBLYMAN SMITH: Okay.

ASSEMBLYMAN CONAWAY: You mentioned things like, you have to be careful about building materials and other sorts of code things, which I-- There's, sort of, this dual responsibility between local and State government. I mean, if somebody wants to build a house in the Pinelands today, are they able to put a shingle roof on that house that can catch fire? Do they have to build with fire-retardant materials to protect-- I mean, are there any regulations?

MR. GABLIKS: They can pretty much get away with doing whatever they want. That is a weakness in New Jersey.

ASSEMBLYMAN CONAWAY: One last question. I guess the risk is on the homeowner in this case. I mean, it's not like-- I mean, of course, the taxpayers are paying for your presence there to protect the forests and,

certainly, the State lands. I guess a homeowner, if they have a problem -- I guess they have to have fire insurance. If they're going to rebuild, I guess it's on their dime, I guess.

MR. GABLIKS: Sure.

ASSEMBLYMAN CONAWAY: I guess they're sort of taking -- assuming the risk being there.

MR. GABLIKS: Sure.

ASSEMBLYMAN CONAWAY: Are you aware of State liability? I guess, Mr. Williams had mentioned that if the State lands aren't managed properly, there might be some liability that accrues to the State if-- If somebody makes an argument that a wildfire started on State lands, because you guys aren't managing the forest, and now it burned down my property -- and maybe this question shouldn't come to you, but is this-- Is there a liability to the State for not managing its property such that it would cause the loss of somebody's home?

MR. GABLIKS: I don't know if I can answer that. But I think if somebody is going to sue the State of New Jersey, they would sue them regardless.

ASSEMBLYMAN CONAWAY: It's tough to do that.

MR. GABLIKS: They're going to do it if they want to do it.

ASSEMBLYMAN FISHER: Thank you, Mr. Chairman.

Can you walk us through a-- You talked about prescribed burns. Can you tell us the process by what you -- how you make your selection for a prescribed burn and, then, who makes the determination and how you arrive at doing those?

MR. GABLIKS: Okay. Our prescribed burning process-- Actually, if you see a piece of property being burned, the process started probably a year ahead of that. So what we would do -- and this policy, especially on State lands-- What would happen is, the local firewarden, who is a full-time employee of the Forest Fire Service, has a, kind of, fire preparedness plan for their jurisdiction. They would have a plan of what they're planning on burning, like maybe a bigger area or, kind of, a master plan.

So they might say that, this year, these areas are scoped out to be burned. So, what would happen is, that would go through a process where any other natural resource professionals could comment. Then, after it goes through that comment process, it would go to a public comment period where anybody who -- a public resident or citizen, environmental group member could comment on the burning.

So that would all go through. Then it would be publicly posted that this prescribed burning would be done. And then a year later, in the winter months, the prescribed burn, based if the weather conditions are right, everything's right, then the burning would happen. So it's not just something like, we go out and next week we're going to burn. It's about a year process to get a piece of area -- to get a piece of forest burned.

ASSEMBLYMAN FISHER: In terms of acreage, how-- From what to what? I mean, do you burn 15--

MR. GABLIKS: Statewide, we burn about 20,000 acres here in New Jersey on a good year. This past year -- this past winter, about 12,000 acres, because we were in the drought, and there were a lot of areas where it

was just too dry for us to burn. But we're shooting for about 20,000 acres that we want to accomplish each year.

ASSEMBLYMAN FISHER: And are they always on areas that are close to major developed--

MR. GABLIKS: It all depends on the area. Like we said before, South Jersey is so varied. Some might be strategic areas in the middle of a State forest where we're burning this as a strategic fuel break, so, if a large wildfire does occur, we can use that prescribed burn as an advantageous spot to control a fire. Some of them are closer to developed areas. It all depends on the circumstances.

ASSEMBLYMAN FISHER: Thanks.

ASSEMBLYMAN SMITH: Any further questions? (no response)

Thank you.

Dr. DeVito.

**EMILE D. DeVITO, Ph.D.:** I'm going to let Carl Montgomery go first, if that's okay.

ASSEMBLYMAN SMITH: Sure.

**CARLETON K. MONTGOMERY:** Hello.

ASSEMBLYMAN SMITH: Hi, how are you?

MR. MONTGOMERY: I'm Carleton Montgomery with the Pinelands Preservation Alliance. Emile DeVito, with the Conservation Foundation, and I have put together some testimony on behalf of both organizations.

Both our organizations view wildfire management as a critical issue for the Pinelands. And the Conservation Foundation, itself, is a property

owner involved in managing land, including fire management. Prescribed or controlled burning, we think, is an indispensable tool for wildfire management in this region. It is the best tool for reducing wildfire hazards and can be done in a manner that helps sustain the Pine Barrens' ecosystem.

As a number of people have pointed out, fire is an essential part of the Pine Barrens' ecosystem. Without fires, the unique ecosystem will change. It will ultimately be lost, because the special plant and animal communities that make the Pine Barrens what it is, what make it different from other places, depend upon fire in a number of ways. Wildfire management in this area, therefore, should be designed for both hazard reduction and ecological maintenance.

Prescribed burning can be carried out in a way that serves both, to reduce danger to people and property and to sustain the ecosystem. This requires tailoring one's prescribed burning techniques to the particular habitats in which the burning is being carried out, and would often involve adjustments to the way New Jersey Forest Fire Service currently, or has traditionally, done its controlled burns. But it is possible to do so safely and effectively.

Right now, as others have pointed out, there is a great deal of the Pinelands forest that has not burned, either by wildfire or prescribed burns, in a long time. So there's a lot of forest that is vulnerable to dangerous wildfires. And, as others have pointed out, again, that's true on both private and public land. It is important, very important, to remember that most of the Pinelands, including some very large stretches of contiguous forest, are owned by private people and companies, not by the State.



In order to address this situation, we think the government should plan its wildfire management on a truly regional or landscaped basis and take into account both the public and private landowners. That's the only way to ensure that resources are directed to all the lands that need to be fire-managed over the long-term and across the whole region.

In framing a regional program, we recommend the State should distinguish between forests adjoining major human settlements and the greater part of the contiguous forest that is not intensively developed. The State should establish fire-hazard buffers through frequent, low-intensity controlled burns immediately adjacent to heavily populated neighborhoods. And, in contrast, most of the forest with the plant and animal communities that are relatively intact should be managed through a comprehensive, controlled burning program that's tailored to sustaining each habitat type. The notion there is that there are techniques being developed that allow for wildfires that more closely replicate the effects of wildfire -- of controlled burns that more closely replicate wildfires in order to have the ecological benefits that are needed--

That approach should replace the past practice of frequent, low-intensity burns in wide corridors within the State forest -- there was a reference to the strategic corridors a little earlier -- which we think has often left settlements unduly exposed while harming the ecology of the wilderness areas that are being burned, since those kinds of fires bear no relation to ecological purposes and are often of a nature that don't bring the ecological benefits of wildfire.

There are people at DEP-- I mean, I think everyone in this room from DEP is beginning to work in the right direction on landscape-based planning and tailoring of prescribed burning to achieve both the safety and the ecological goals. I think people-- Everyone's thinking is moving in that direction.

But, even as the government's understanding has grown, there are still some major resource problems that stand in the way of achieving the kind of management we need. One is insufficient resources to plan and carry out the comprehensive burning regime on public lands. That's clearly a challenge in this, and many other, aspects of stewardship of state -- of public property.

Another is the fact that private landowners often do lack the information and the funds to carry out a quality management program on their properties. Not everybody has a Bob Williams or even knows that this is an issue on their property.

For example, among these resource problems is something that was referred to earlier -- liability insurance. The Conservation Foundation, which has all the knowledge and understanding it needs, reports that it can't get the appropriate insurance coverage for this activity, particularly in recent months.

Our organizations urge this Committee to support the efforts of DEP to create a fire program that's truly landscape-wide and designed to serve both safety and ecological imperatives. We urge the Committee to work with the administration to explore ways to provide the funding and insurance mechanisms needed to carry out such a program on public and private land. This approach, we think, can make the Pinelands safe for people and save the distinctive and precious Pine Barrens ecosystem.

The only other point I wanted to mention, that isn't in the testimony, is a critical point that was raised. Does the Forest Fire Service have the legal authority to tailor its controlled burning program for ecological purposes, as well as fire safety purposes.

And I would just disagree a little bit with Jim. Although I think all of the State and Federal legislative mandates were not, clearly weren't, written with this question in mind, because they come from an earlier era in people's thinking about this, we think that they do allow the Forest Fire Service to include ecological goals in the way they manage for fire safety. But it is a topic on which, perhaps, the Legislature could help with some clarification of those authorities, if a process goes forward.

And, finally, I would simply like to endorse what others have said. There's a lot of consensus, I think, on the goals here. And both public and private landowners and environmentalists are, I think, really prepared to work together towards improving the situation and trying to do everything we can to prevent the kind of catastrophe that we're all concerned about.

Thank you.

ASSEMBLYMAN SMITH: Were you here for Mr. Williams testimony?

MR. MONTGOMERY: Yes.

ASSEMBLYMAN SMITH: Is there any point, no matter how minute or specific, that your organization disagrees with?

MR. MONTGOMERY: I don't think so. I don't think I caught one. I think the point he makes -- that the controlled burning that's happened is a useful tool but is not comprehensive enough and doesn't serve the

ecological purposes, is the point he made; and the fact that there's a lot of forest fuel out there -- areas that simply haven't been burned in any way -- are both key points that he made that we completely agree with.

ASSEMBLYMAN SMITH: Are there any other environmental groups, whether it be the New Jersey Environmental Federation or Sierra Club, that differs in their opinion with your organization?

MR. MONTGOMERY: Not to my knowledge, but I can't speak for them. I would mention that the Nature Conservancy is also, throughout the country, interested in this topic and is working with groups to try to organize some workshops and conferences to advance the dialogue, here. So they're definitely an interested group. But I can't speak to whether the Environmental Federation might have a different take. I don't know of that.

ASSEMBLYMAN SMITH: Dr. DeVito, I see that you had your hand up.

DR. DeVITO: I'd just like to add a couple of things.

ASSEMBLYMAN SMITH: Can you come up to the mike please?

DR. DeVITO: Sure.

My name is Emile DeVito: first name is spelled E-M-I-L-E. I'm the Manager of Science and Stewardship with the New Jersey Conservation Foundation. We own many thousands of acres in the Pine Barrens, in Ocean County and Atlantic County. And I just wanted to add a couple of things that have been brought up. I also agree with pretty much everything that Robert Williams has said.

I would like to make one point though, and that is that a number of people have talked about removing brush, removing the understory,

removing the fuel ladder. And Bob Williams is our forester on our properties. And I know that when we do a project with him, and I'm pretty confident that he does that on all his clients' land, he doesn't try to remove the brush, and the understory, and the fuel ladders in places where it shouldn't be removed.

But I think it would be very dangerous to just use this approach, that we've seen with our Federal administration out West, that we're just going to go out there and remove everything, because there are a lot of places where it shouldn't be removed. It doesn't need to be. They're not flammable habitats. They're not in places where you need to worry about it. I would be extremely wary of creating some sort of a policy where we're just going to attack the forest understory in the Pine Barrens, carte blanche, because that would do a great disservice to the Pine Barrens ecosystem.

I certainly have no problem with the idea that there are a lot of places where it needs to be -- where the forest does need to be thinned, especially around settlements where the understory does need to be removed by controlled burning or mechanical techniques -- like I said, especially around residential areas. And, in fact, New Jersey Conservation has done that on its property and Estell Manor City, in Atlantic County, right opposite a residential neighborhood. And we've thinned the forest under a project with Mr. Williams. We've tried to create an ecosystem which is, hopefully, better for endangered species and which is not so flammable.

The one problem that we've had is that, although we were able to do one burn after our forestry project, this past year, we were supposed to do another one, and we couldn't because we couldn't get liability insurance.

ASSEMBLYMAN CONAWAY: Cost?

DR. DeVITO: No, it had nothing to do with cost. No one-- Lloyds's of London wouldn't give us liability insurance because in the aftermath of 9/11 or I don't know-- We couldn't figure out what it is.

And the same company that gives the Nature Conservancy their fire insurance wouldn't give us it, because we're a small fish, and we don't have properties all around the nation.

So we definitely have a problem. We're nonprofit. We want to incorporate these techniques. We need the State to, somehow, cover us. The forests-- From what I've been told by the Forest Fire Service Personnel, there's never been a controlled burn that's gotten away, ever, and caused any damage to anybody in this state. And yet, you can't explain that to someone on the other end of the phone line when you're asking for a three-day insurance rider so you can do your controlled burn. They don't understand that. All they see are the TV pictures out West.

And, of course, not being able to get that three- or four-day insurance rider, we just couldn't do the burn, even though we know nothing would happen. In the incredibly rare chance that something did, it would ruin our organization. So we have to solve that problem.

So those are the two main points: one, that we need to solve this insurance problem for the nonprofits and for private landowners, in case they can't get homeowner's insurance to cover this. I don't know. And number two, I would be very careful about attacking the forest understory without having some real specific guidelines as to where and when, so that we don't do things in the wrong places.

The only other comment I want to make is that there was one photo up there in Maris's slide show of a sprinkler green lawn. And there isn't enough water in the New Jersey aquifers to use that method to protect people from fire. So, if we tried to have a green lawn around every house in South Jersey, there wouldn't be-- And try to sprinkler every lawn growing on sand with no nutrients; not only would you have no water, but whatever water you did have would be totally loaded with nitrogen from all that fertilizer.

ASSEMBLYMAN CONAWAY: Wouldn't it be dangerous-- It's dangerous to have people doing that.

DR. DeVITO: I mean, obviously, that's just-- We just can't promote that, in my opinion.

ASSEMBLYMAN SMITH: What area is an example where you think the understory should not be touched?

DR. DeVITO: Places that are deep in the heart of our State forests and wildlife management areas that -- along watercourses and in wetland forest habitats. I mean, there are others. But if we had some kind of an approach where we were going to say, we need to really attack that understory, it could be abused. And forests that are in no danger of being the start of a fire, or forests that are so wet-- And there are wetland forests that are acting as firebreaks already. You can do a lot of damage.

The fire in 19 -- I think it was 1995, 20,000 acres burned in the Forked River Mountains in, mostly, Lacey Township. And the cedar swamp that we own stopped the fire. The fire came up to it and stopped. That forest-- One of the reasons it was so wet was that it was so dense, and shaded, and moist that the sphagnum moss, even in the midst of a drought, was still so

wet that the fire reached that habitat and stopped dead. So, if that forest had been managed inappropriately, the fire could have easily passed through it if the sphagnum moss had been dry.

ASSEMBLYMAN SMITH: Is excessive understory unnatural? If you want to go back 300 years, is it unnatural?

DR. DeVITO: In certain areas there's more understory now than there would have been when fires dominated the landscape. The landscape was dominated by fire. Almost everyone has said that.

There are species in the Pine Barrens, that are extremely rare now, that need landscapes that were dominated by fire, and there wouldn't have been much of an understory.

And in those places where you didn't have much of an understory, it would be a good idea to try to start recreating that. But that doesn't mean that we should do it everywhere. And it would take a lot of careful thought to try and figure out which places those are and which places those are not.

ASSEMBLYMAN SMITH: Questions?

ASSEMBLYMAN CONAWAY: If I heard you and others correctly, it sounds as if -- because part of this discussion, I think, must involve development patterns here in the State of New Jersey-- And it seems to me, if I heard you -- is that you go in and build a house, let's say, on a quarter of an acre, and you're going to have to chop down, maybe, a quarter of an acre of trees to do that -- that really you're talking about more than a quarter of an acre, because you should clear or do something about the forest around that, which, of course, involves ecosystems now being disturbed by a particular development.



You might not want to comment on this-- Maybe I shouldn't-- But it seems to me that the need to have protection of those improved structures demands that more resources need to be disturbed for a particular structure that's there that, perhaps, is occurring currently.

Thoughts on that?

DR. DeVITO: Well, that's why we all fight so hard to keep development out of inappropriate places in the Pine Barrens. And it's, obviously, a very hard thing to do.

ASSEMBLYMAN CONAWAY: Particularly this Pinelands Commission. Go ahead.

DR. DeVITO: And it's another infrastructure cost, really. I mean, the developer puts in a housing development. Nowadays, towns are trying to get them to pay for sewers and roads and stoplights and things. But that's never put into the equation. The fact of the matter is, as more developments go in, the Forest Fire Service is going to be taxed even more. It all costs money to protect everything from fire. And yet, it's not considered, generally, a real costive development right now. It's not really considered a tax on the community's infrastructure, a taxing agency on the community's infrastructure, but it really is.

ASSEMBLYMAN CONAWAY: Never mind the important loss of ecosystem and plant species and everything else that gets involved, if I understood your testimony.

I presume that there is going to be some discordance between the landowners, such as yourselves, and other private landowners as to their agreement -- ability to control burns. It's going to be, darn near, impossible to

get some private landowners, without the change in laws, to do what experts would say needs to be done in order to protect not only their property, but the property of adjacent landowners and the government. Is that right?

I see somebody nodding their head. I mean, it's got to be, I guess.

DR. DeVITO: Obviously, that's true. I mean, we can't even get all the conservation groups to agree on what to do in a forest to enhance a habitat for a bird. How are we ever going to get everybody to agree on what to do in order to protect homes from fire? That's, obviously, an extremely complex issue.

ASSEMBLYMAN CONAWAY: And the economic -- and the ecological resources. Let's not forget that.

DR. DeVITO: I also want to point out that our -- we have forestry plans on a number of our preserves, ranging from harvesting of cedar to trying to create this open forest ecosystem, which is, hopefully, acting as a buffer against the residential neighborhood to fire. And we've never had any trouble having those plans approved by the Pinelands Commission. It's a process. It takes time. But the process is there for a purpose -- to make sure that it's not just open season on our natural resources. I think we need various protections to make sure that the things that are done are properly thought out. So I just wanted to make that point.

ASSEMBLYMAN CONAWAY: Just a follow-up. So would you say that the Pinelands Commission-- So a development is coming in, and you have made some suggestions about, I guess, additional forestry resources that ought to be cleared in order to allow for this particular house to go in there.

And you make a plan and suggest to the Pinelands Commission that, I guess, it's been approving--

DR. DeVITO: Well, I mean, we just manage nature preserves. We don't deal with protecting structures. I don't know what happens at the Pinelands Commission level when somebody proposes to build a housing development, and if any attention is paid to forest fire considerations. I just don't know.

All I'm saying is, when we do our natural resource management, and we want to do things like burn or make changes to the forest for habitat reasons, we've never had any trouble in coming to an agreement with the Pinelands Commission. We've gotten their permission to do everything that we've always wanted to do.

So I just wanted to point out that they're not an obstacle, in terms of trying to carry out well thought-out practices. They're not an obstacle. There's always been-- As Mr. Williams mentioned, there has been an evolution over time of how to deal with forestry issues and how to try to make things easier to do, try to make the steps a little bit easier, because not everything was thought about in the original development of the comprehensive management plan. So, over time, we've had to learn how to make steps easier.

And there's work involved. I think if you're a landowner, you need to have that responsibility. You shouldn't be able to just do what you like without having to answer to anybody. You need to go through a process.

ASSEMBLYMAN CONAWAY: We don't let people do that now for other things -- burns--

Thank you.

ASSEMBLYMAN FISHER: From what I can gather, we're here talking about wildfires and the Pinelands and those two -- and structured burns. Are you here today because you're trying to say that you would like to conduct more of those, but you can't because you can't get the coverage -- basically the coverages to do that?

DR. DeVITO: Well, that's really a sidebar. I'm here today representing the New Jersey Conservation Foundation, because I'm really disturbed at what's happening out West. I think the Healthy Forest initiative proposed by President Bush is dead wrong. It's based on, absolutely, timber company interests and has nothing to do with protecting people from fire. And I don't want to see that happen here.

And I don't think that's what's happening at all. We have an issue in the Pine Barrens, and wildfire is an important issue. Controlled burns are a tool that we have. They need to be used. They need to be used more. There needs to be more funding to get them to happen around residential areas. And, I think, they need to be modified in the wild areas to serve an ecological purpose. And we have a problem in that, there are interpretations of existing laws that might make it hard to make those controlled burns serve that ecological purpose.

So if we're going to move the program -- want to see it move in the right direction -- serve and protect people and also protect the environment--

ASSEMBLYMAN FISHER: But as to New Jersey, is there something, specifically, that you're looking for in a change, as to the current policy?

DR. DeVITO: I'd like to see more controlled burns done closer to settlements and residential areas. And the controlled burns that are done in the middle of wild areas, I think they need to be -- we need to create ways, whether they be rule-making or legislation, whatever the process needs -- money-- We need to find ways to make those controlled burns not only protect and serve as major fire breaks, but also make them -- improve the ecology of the Pine Barrens forest by returning it to the kind of forest that it was when wildfires were common.

And we know that wildfires are never going to be common again. We can't just go out and set summer wildfires and let them burn because some butterfly needs them. But we can do things to mimic that. We can do our controlled burns in a safe way that might help that butterfly, or we can do timber management practices that might help that butterfly. But we're never going to be able to just let fires rip like they did a thousand years ago when the Native Americans set them and created this ecosystem. But we need to find ways to mimic that in a safe way.

ASSEMBLYMAN SMITH: Maris, are there currently enough resources in your Division or Department to go on the private property to do controlled burns?

MR. GABLIKS: Only for a limited return. We would need more to do it.

ASSEMBLYMAN SMITH: And what was the figure, 60 percent is privately held, or is it 40 percent privately held?

MR. GABLIKS: Sixty-two percent.

ASSEMBLYMAN SMITH: Sixty-two percent are privately held. If you're only doing controlled burns on 48 percent, does that affect your overall fire prevention strategy -- if you can only burn on the 42 percent -- or the 48 percent?

MR. GABLIKS: Sure. I mean, it's just simple math.

ASSEMBLYMAN SMITH: If it were opened up to 100 percent, assuming that private owners wanted controlled burns, would you be able to have an overall policy that is much better than just burning on the 62 percent?

MR. GABLIKS: Sure.

ASSEMBLYMAN SMITH: And you're saying, right now, that the State of New Jersey, through regulation or law, does not permit your service to go on private lands.

MR. GABLIKS: Yes, our service is very limited on private lands.

ASSEMBLYMAN SMITH: Okay.

ASSEMBLYMAN FISHER: Just to follow up on that private lands part-- Most of the private land that we're talking about, because we say private but it's really sort of quasi something, because it's basically public trusts that are these lands--

MR. MONTGOMERY: It's mostly corporations and individuals.

ASSEMBLYMAN FISHER: And are the corporations-- I mean, is this because we're trying-- Are we logging some of this wood, or are we--

MR. MONTGOMERY: I don't think there's a lot of forestry going on, but-- I think those cranberry operations, those folks own a lot of land. And others -- there's just historical ownership.

ASSEMBLYMAN FISHER: So they're, basically, if you can characterize it in general, you would say that, basically--

ASSEMBLYMAN SMITH: Doug, I'm sorry, hold on one second. Do you have to switch a tape or--

HEARING REPORTER: No, it's fine. It's just if Mr. Williams talks, we can't get -- pick him up on--

ASSEMBLYMAN SMITH: Okay. I apologize.

ASSEMBLYMAN FISHER: That's okay.

We're saying that they're, in general, that those lands -- they're being held for the stewardship of -- I mean, ecological purposes. They're just--

MR. MONTGOMERY: Whatever purpose the individual homeowner, individual landowners, may have-- It may be a business like agriculture. It may just be that they own a forest and they haven't figured out what to do with it.

ASSEMBLYMAN FISHER: Well, I'm asking that question because you're talking about if it were possible for State agencies to go on private lands. Of course, State agencies aren't going to go on private lands to help preserve an asset that, ultimately, may not be there, because it may be developed or it may be used for some other purpose other than just maintaining a habitat.

MR. MONTGOMERY: Most, not all, of the land in question, because it is in some form of conservation zoning under the Pinelands Plan, it may allow very low density development or virtually no development at all. It

may still be in private hands. It's an incredible hodgepodge of ownership that creates this problem. There's no rationality to the pattern that you will see.

ASSEMBLYMAN SMITH: You have to--

ASSEMBLYMAN CONAWAY: One question.

ASSEMBLYMAN SMITH: Yes, go ahead.

ASSEMBLYMAN CONAWAY: One question.

DR. DeVITO: Let me just mention one thing.

ASSEMBLYMAN CONAWAY: Don't go away.

DR. DeVITO: You talked about quasi-private land like the nonprofit land. We don't have any trouble. The Forest Fire Service is always incredibly helpful when we need their assistance and their expertise. It's just this-- It's really the private land, whether it's a farmer or just a woodland owner, that--

And I just had one thought about that. Much of that private land is under woodland assessment. So those owners are getting a reduced tax rate.

ASSEMBLYMAN CONAWAY: They benefit. That's right.

DR. DeVITO: And if there's some way to link the fact that they're getting a reduced tax rate with the need to be able to, at least, assess whether or not they need some prescribed burning -- I mean, there's sort of a quid pro quo there.

ASSEMBLYMAN CONAWAY: I like that.

Is there a priority list, if you-- I mean, you're only on 48 percent. On the 48 percent that you now control, that are in State hands-- Are there a list of areas where we're going to do priority one through five this year, with the burns that we can do, and then six through ten the next year? Is it as



organized as that, in terms of going through the prescribed burns to-- And, I guess, we have to look at the question of whether or not you can do prescribed burns for ecological purposes, as well as safety ones. But is there priority lists available?

DR. DeVITO: In South Jersey, we'd be under two Forest Fire Service regions, central and south. Under those, there would be 22 administrative sections. So, yes, there would be priority lists among those 22 administrative sections, but the central ones might not be on the same priority lists as the south ones. I mean, there would be a priority list among each one of those 22 administrative sections.

ASSEMBLYMAN CONAWAY: From the middle and the south, there's 22 administrative regions.

DR. DeVITO: Sections, right.

ASSEMBLYMAN CONAWAY: Sections.

DR. DeVITO: Right. And each one of those would have their priority burn jobs for each year.

MR. BARRESI: Let me add to that, that each particular tract has certain prescribed conditions.

ASSEMBLYMAN SMITH: You have to come closer.

MR. BARRESI: I'm sorry. Let me just add to that -- is that when we set our priorities, we also have different tracts that require certain specific weather conditions. In other words, a particular tract may need a southwest wind or an east wind or a northwest wind in order to-- Smoke management is a great consideration. We don't want to be putting smoke across the Garden State Parkway that obscures vision.

So, we have to deal with smoke management as an issue. So, when we select our priorities, there may be fuel accumulation issues, but the smoke management issue is one of the ones that we have to deal with.

Prescribed burning is, as Maris pointed out in his slide, exacting under a certain set of conditions. So what may determine the priorities also may be the environmental conditions such as wind or temperature that we have.

ASSEMBLYMAN CONAWAY: Does it make sense to have 22 different sections? I mean, can you coordinate? I mean, do you have the kind of coordination that you, perhaps, ought to have with 22 different lists, it sounds like?

MR. BARRESI: We have 22 section firewardens. Each section is about 100,000 acres in size. So, actually, we should have more, but that's manageable.

MR. WILLIAMS: I wanted to say something in the private, because that's where I am. And I deal with all these folks, probably down to 50,000 acres, 200 or 300 landowners. And it's important to understand that a lot of people have the perception of the landowner as -- they have this land, and they want to build a shopping mall and become a millionaire and are going to develop houses.

And, surprisingly, that's really not the case of most of these people. They've had this land through some generations. They're not particularly interested in selling it to the government. And they're very interested in the land, even though they don't live there. Some of them don't even go there. They're very receptive when I say to them, "We should be doing these kinds

of things with this property.” And they’re interested. “Yes, that would be a good thing. We’ll protect this area and burn this area.”

So I think there’s, in that 62 percent, a sleeping giant there. These people are very receptive to-- We do a fair amount of prescribed burning. We have insurance. It’s amazing how prescribed burning, to some people, aesthetically, it makes the forest beautiful. It cleans it out. And the next year it’s very lush and green. And these private landowners actually are very receptive and like that.

Now, some of them, definitely, are paranoid of liability. “Oh, Bob, you’re going to burn up Mr. Jones next door.” But I think you need to understand that those private landowners are a resource that can save the government money. A lot of people in the government have this idea that the only way to protect the natural resources are, we have to, buy it and keep it from these private landowners.

It’s expensive. And that’s what farmland assessment does. It gives that landowner-- At least my view of that is that, when you’re saving tax dollars, you’re to invest that money into the resource, and in our case it’s forest management and timber management. A lot of people are doing it for wildlife because they like to hunt.

So we need to bridge that gap of that perception that-- I have a guy who lives, or his business is, in New York City. And he owns, like, 2000 acres. He was given the land in some kind of a bad debt. He said, “Well, I never want to develop that or anything. But you should go down there and do what’s good for it.” He’s a wealthy guy.

So, we need to tap into that. In the long run, it's going to save the government money. But the government's buying all this land-- I don't think they're capable of stewarding it. I don't think they have the funds to do what they need to do.

So I just felt I had to get that point across. It's a real important point. Ultimately, on land that could be developed, we need to go to another level to get that landowner to consider deed restrictions, or whatever, through farmland preservation. But we really need to-- It really bothers me that so many people that I interface with have that perception that, "Mrs. Jones, she lives in Ocean City, and, someday, she's going to want to sell that 300 acres and build houses." And she doesn't. She actually cares about the birds. And they're interested.

I have found, as a forester, I cut more trees than anybody in the State of New Jersey. Our business, that's a fact. We ship pulp wood to Pennsylvania, Virginia. We're in the business of also making money from trees. But I have found that most landowners are as receptive to all the other things -- fire protection, habitat enhancement. As Emile was saying -- is you look at a forest. There are some areas where you want to keep that midstory canopy, because there's certain species of birds that want to live there. They don't want to live up. They don't want to live low. And I just wish people would start to understand that people who own land are environmentalists, too. Sometimes they want to make money and there's a clash.

But we need to, I think, tap into that, to be a partner to these folks, so that if I'm looking at a tract of land-- I have one tract of land that's 12,000 acres. We surround the State forest. It doesn't make any sense for us

to be out there developing this intensive -- probably the most intensive forestry plan the Pinelands Commission has ever seen, when there's 6000 acres right in the center of us, and the State's not doing anything with it.

Do you see what I'm saying? They can counter all the positives that we're going to do in our forest. But that's what we're confronted with.

ASSEMBLYMAN SMITH: Any questions? (no response)

Thank you.

Is Mayor Varano here?

**MAYOR JASON J. VARANO:** I'd also like to bring up Bill Schultz with me, who is our construction official, fire subcode official and Chairman of our Fire Safe Committee.

I'm the Mayor of Berkeley.

ASSEMBLYMAN SMITH: If you would, just repeat the people that you're bringing up with you -- the names of the people you're bringing up.

**WILLIAM I. SCHULTZ:** I'm Bill Schultz. I'm the Coordinator of the Berkeley Township Fire Safe Committee.

UNIDENTIFIED SPEAKER FROM AUDIENCE: Spell Schultz, please.

MR. SCHULTZ: S-C-H-U-L-T-Z.

UNIDENTIFIED SPEAKER FROM AUDIENCE: And you are?

MR. SCHULTZ: The Coordinator of the Berkeley Township Fire Safe Committee.

MAYOR VARANO: He's also a construction official and fire subcode official.

I'm the Mayor of Berkeley Township, Jason Varano.

UNIDENTIFIED SPEAKER FROM AUDIENCE: Spell the last name.

MAYOR VARANO: V-A-R-A-N-O.

I guess after watching the video -- slides, you could say, over the last five years, Berkeley had probably two of the worst fires that have struck an individual area.

To give you a little idea of what Berkeley Township is, it's about 41 square miles. On one side is CAFRA area, and the other side is in the Pinelands. We have, on the northern part.

ASSEMBLYMAN FISHER: That's tough.

MAYOR VARANO: Yes. The northern part of our township is senior communities, where we have, exist, 12,500 homes. The Wranglebrook Fire in 1997 is what struck that area in which, at one point, over 2000 residents were evacuated, 300 homes threatened, and 52 homes damaged. At that point -- that was July 20, 1997 -- we were in drought conditions not as severe as this year, but they were bad.

This year, you know, a fire took place at our new Berkeley exit on the Parkway, Exit 77, which is in the Pinewald section of town -- a little less populated. But the houses were built, like, 30 years ago, so the frontage is not as cut back. And, as you see, the one home that went down -- their forest was built right to their backyard, right up to the house. And the firemen had no chance at all to save that house. The houses right next to -- each one of them was saved because the firemen had the opportunity to get into the back. If you saw the firemen -- there were pictures -- I'm sorry I didn't bring them -- with the firemen in the backyard fighting the fire. But they had anywhere from 30

to 70 foot setback between the woods and the house, and the structure. So those homes were all saved.

In this fire, we had, as you know, approximately 1300 acres damaged. One home was completely down, two homes that were severely damaged -- unlivable. They're still being repaired -- but repairable -- and 15 other homes that either had outback parts of their homes or the house -- melted structures. Part of this fire also stretched into the Beachwood -- the Borough of Beachwood.

We were here to speak more about the impact of the municipality. I do want to bring up a lot of the liability. After the '97 forest fire, we-- I just became Mayor in 1998. There were a lot of concerns from our senior communities about forest fires. We've created-- Based off a Firewise Program in California, we created our own Fire Safe Committee. I believe we were the first, and at this point the only, municipality to have done that.

With that, we brought in residents from all over the township, mostly from senior communities, because they're very organized -- and other residents. At that point in time, we tried to get awareness out. We're in the schools, more, educating the younger folks. We're up in the senior communities educating them. They're very aware of this. They are wanting to do the prescribed burnings.

One of the things that the State Forest Fire Service was able to bring in -- and do many seminars to our residents and talk about the firebreaks, and the fire burns, and the controlled burns. Out of that Fire Safe Committee, we came up with a legislation. We drew up, and the council passed a resolution, to allow private homeowners to be held harmless from

controlled burning. If the State Forest Fire Service is going to come in and do controlled burning on the private lands around our homes -- and it is -- and if the opportunity is there to hold them harmless -- either it be a nonprofit organization or a conservancy group or a big name developer that owns the land that presently cannot be developed because it's in the Pinelands -- we need that land to be a prescribed burn to help our residents.

If you saw a picture-- Well, you saw the pictures. We're right in the suburban sprawl of it. Our homes are built right against the Pinelands. We need the help there. We need the prescribed burning done to set these firebreaks back. And if we could ask the State to come in and change the laws to hold private landowners harmless, it would be a benefit to us.

On September 10 last year, we met with the U.S. Fire Marshall Service, the State Forest Fire Service and we became part of the National Fire Plan, in which money was brought down, through the State, to Berkeley to help cover the liability of our nonprofit organizations such as our homeowners' associations. Several homeowners' associations did tie on and did agree to do the prescribed burning in their areas and surrounding their areas. But they weren't willing to do it prior to the money coming down, because they didn't want to be faced with the liability. Their cost to their homeowners' association was in the ballpark of \$3000 for a three-day permit. They didn't want to bear that cost. But with the money coming down, they were able to do it in two -- over the last, past, year have agreed to do it. I believe one prescribed burning was able to take place, but, because of the drought, the other one was not.

Now, with the impact of this fire, the prescribed burning was to take place this past year in the area of Double Trouble Road or Double



Trouble State Park. But, unfortunately, due to the drought, that was unable to take place this year.

But we do need more of an education. Our township, maybe because we've been very willing to work with the State Forest -- gets a lot of cooperation out of the State Forest Fire Service-- They're always out educating us. Presently, in our town hall, they have a booth set up for all residents. The tax bills just went out. So every resident is seeing it as they pass by the tax offices. In a senior community such as ours, everybody goes in and pays their bills. They walk in. I would say, probably, 90 percent of them are hand-delivered rather than mailed. So everybody is seeing that.

Education is on a high level. We need more help in trying to educate our residents. Senior community is a little easier. But on the residential side -- trying to do more mailings.

We wrote a letter, this past week, in our tax bill and thanked all the firemen in the State's Forest Fire Service for coming out and helping us. We had over 47 Ocean County companies respond and 5 from Monmouth County. So we did thank them in the letter.

But one of the things we asked for -- residents to take a look. If they're adjacent to the forest, see if they can clear the land 30 to 70 feet behind their house. Well, we received several calls, both in the marshlands on the CAFRA side or in the Pinelands' side. Can they do that? Can they cut protected land? So this is another thing that we're looking into.

I have spoken to Maris, this past week, about it. And we're presently looking in to see, if they only have a 30-foot set back now, can they go in there? And maybe their boundary ended at 30 feet, and then the

Pinelands start from that point on. Can they cut that land back in the preserved area? I mean, that's something that we need help on, if it cannot be, to be able to have the Pinelands -- or at a cost to the State to come back and set -- and cut the older developments that were built 30 years ago, to be able to set back and to take larger set backs.

At this time, I will turn it over to Bill.

ASSEMBLYMAN SMITH: What did you mean by hold harmless? Are you talking, like, immunity statute?

MAYOR VARANO: Immunity, yes. We passed a resolution -- I believe it was in 1999, to-- We contacted these groups, these private groups, around our township, and they blatantly said no. I mean, they're not going to take the opportunity to do a prescribed burning -- and the chance of a wild -- the chance that it does break out and does end up causing damage to the homes, they don't want that liability.

So the only way we can deal with this is to, maybe, find a way where these private homeowners or private landowners are given immunity from the State and the State takes on the liability-- Or provide no liability, whatsoever, because, in effect, it protects all our homes anyway.

ASSEMBLYMAN SMITH: So you're saying the homeowners would give immunity to the private landowners that have trees in surrounding areas, so that they can do controlled burns?

MAYOR VARANO: No, no, no. The land-- In our senior communities, the land adjacent -- well, even the land -- the first 30 feet is owned by a homeowners' association, which is private, and then maybe the next 1000 feet or 1000 acres is owned by some big land developer. We would

need that land preserved or that land held harmless, so that that land developer can allow the State Forest Fire Service to come in there, do the prescribed burning, whatever the set back they would do from the homes -- 1000 feet, 2000 feet -- and allow that to be held harmless where that -- if that fire did break out--

ASSEMBLYMAN SMITH: Who is immune, the Forest Service?

MAYOR VARANO: No, no, no, the landowner. The landowner won't give us permission to go onto that property and do a prescribed burn, because they don't want to be held liable.

ASSEMBLYMAN CONAWAY: So, they need the-- They're the ones who need immunity.

MAYOR VARANO: Yes.

ASSEMBLYMAN SMITH: Can they give immunity?

MAYOR VARANO: Can the State? I believe the State would be able to find a way to provide-- If the State Forest Fire Service is going in there, I believe the State could come up with some sort of statute to provide private homeowners, if they're being-- If they're willing to allow their land to -- prescribed burn or controlled burn, they should be held harmless.

ASSEMBLYMAN SMITH: Wouldn't their homeowner's policy have to sign off on that?

MAYOR VARANO: They don't have homeowner's policies. They have-- It's open space land. This is land that, at one point in time, if the Pinelands would not have come in, would have been developed for homes. And now this is part of their Pinelands preserves.

DR. DeVITO: This is really similar to our situation in Atlantic County.

Let me just get closer.

Our preserve is across the street from a residential area, one house per, roughly, five acres. The first time we did the controlled burn, our insurance company gave us a-- I think it was a one-week rider to conduct that burn. And we were insured. And the Forest Fire Service came in and supervised the burn. And we paid the part-time employees-- Sometimes, when the Forest Fire Service comes in to do the burn, there are full-time employees that are paid by the State, and the part-timers are paid by the landowner. That's the way it was set up in that particular case. So we paid the employees to do the work. The full-time Fire Service employees, as part of their jobs -- they supervise the burn and they get paid by the State. And our insurance company gave us a one-week rider to conduct the burn, and so we were comfortable to do that.

The next time we tried to do it-- And again, I don't know if it was because of the New Mexico fires or because of 9/11 -- whatever it was, whatever problems the insurance companies are facing, they simply-- It didn't matter how much money we would want to pay for it, they wouldn't give us the liability coverage.

Yet, the State is basically supervising the burn. They've never, ever had a controlled burn-- They've never lost control of a controlled burn, ever. And, so, if there's some way that the State can simply provide the liability when a private landowner--

And we don't have homeowner's insurance because we don't have a structure on the property. From what I understand, if you're a homeowner, and you want to burn the woods around your house, you can get a rider pretty easily on your homeowner's insurance. But if-- I mean, we would have to build a house on the preserve to get that.

MAYOR VARANO: But even taking that-- With our homeowners' associations, which are willing to-- Some are willing to go to their insurance companies and absorb the cost. Of course, this year, they were able to get that cost waived because of the National Fire Plan paying for it. But we had to put the fear of God in them to say, "Look, this can happen." Now, after this -- that was five years ago -- fire -- now we have this new fire. They'll be more willing to, again, jump on it. But we have to put the fear of God -- for them to want to purchase the liability because, remember, they had maybe 2000 homes in their homeowners' association, now they all have to split that cost for that insurance, and some don't want to pay an extra dollar. Some are overly willing, because they might be three streets in to the street that's right adjacent.

But even the homeowners' associations don't want to have to bear that cost, because it is, in effect, another tax on them. And they're looking -- if the State or the Federal government either pay their liability or hold, even, nonprofit organizations harmless for something that's going to bear safety for all of our residents.

MR. SCHULTZ: I just want to speak on behalf of the Fire Safe Committee. Number one, one of the biggest issues that we had was the liability issue, because this land is owned cooperatively by the homeowners'

associations. And that did put a big crunch on our doing controlled burning around this. We're talking about an area that has probably about 12,000 to 15,000 homes. It's a very large population: 25,000 people.

Berkeley Township is unique, because we're surrounded by the forest. And people come down from North Jersey and move down here and want to live with the birds and the foxes and the snakes and the turtles, and don't realize that they're up against a wall of fire when it happens. And the Wranglebrook Fire proved that very clearly to them.

It's amazing. I'm here today talking to you, and it's like Yogi Berra says, déjà vu all over again. About four years ago, I went with Mayor Zimmerman -- who has since passed on, and Jason is now our Mayor -- to a hearing similar to this, dealing with fire in the pines, held by the Pinelands Commission. And out of that hearing is where our present Mayor came up with the concept of the Fire Safe Committee.

We meet on a regular basis -- on a monthly basis. It's made up of residents of the community. The Mayor appoints them to the Committee. We have about 40 people on the Committee. Our local fire official -- in the back of the room -- his fire friends and staff attend on a regular basis. Our fire chiefs -- our volunteer fire chiefs, our emergency management coordinator -- whenever necessary, our township engineer, our attorney, and so forth -- come to the Committee at the behest of the Mayor.

But the Mayor is very involved. He attends every meeting. Several council people, our council presidents, both past and present, have attended almost every Fire Safe Committee meeting. We have people that served on the council as the Mayor's representative to the Fire Safe

Committee, and they still come to the meetings. And that's how much interest we've stirred with this. Naturally, with the June fire -- our next Committee meeting will be in September -- we'll have a lot more interest, I'm sure.

But the problem is this. We keep trying to reinvent the wheel here. And I say seriously, déjà vu all over again, just like Yogi says, because I sat at a Pinelands Commission hearing just a few years ago, and maybe it was the wrong arena to do anything, but you are the people that can do something.

One of the things that I listened to -- Assemblyman Geist, is it -- come up with a concept of having somebody from the Fire Service representative on the Pinelands Commission. I served on the State Fire Commission for 10 years. The Commission had 20 members, and they were representative of the Fire Service, of the hotel-multiple dwelling agencies, of the construction agencies, and so forth. And they were spoken representatives on that -- when you look at the law, Chapter 383 of the public laws, which organizes the Fire Commission, there are specific people from specific agencies that have to be appointed. I was the president of the State Fire Prevention Protection Association, and I served in that capacity on the Fire Commission for 10 years.

Maybe you need to re-look at the Pinelands law and have some specific positions spoken for on that law -- either fire service, or environmentalists, or property owners, or whatever -- instead of just a general nature of what happens there, because it doesn't seem to be getting the message out to the people, as far as the fire issues.

And, just to go over a few points-- And I did testify at the hearing in 1998. The Pinelands Commission, when Terry Moore was the director,

formed a task force. I was a member of the task force. Maris's predecessor was a member of the task force -- Dave Harrison.

And, just for commercial interruption here, I cannot tell you-- I'm a retired career firefighter. I rode 30 years in the fire service. And I cannot tell you how effective and how helpful the State Forest Fire Service has been to us in Berkeley Township -- number one, naturally in fighting fires and, number two, in this Fire Safe Committee. They were with us right from the beginning.

And the Pinelands Commission was right with us from the beginning. Then, there were some changes on the Pinelands Commission, and they've lost their sense of direction with regard to fire safety. Unless I missed something-- I just went on their Website just two months ago, and there was still-- They talk about the fire-in-the-pines hearing, and that's all that's on there. There's nothing else. And that's four years ago. That needs to be updated a little bit.

But the task force, at that time, set some goals. And they were to educate the residents and local officials about the fire-prone nature of the region, to recommend land development and building construction techniques to reduce the risk -- things that you were just talking about, Assemblyman, with the uniform construction code and codes and so forth -- propose a comprehensive approach to forest fire planning efforts.

And we've met on a regular basis. We met just about every month. We met with representatives from the Department of Community Affairs, Construction Code Unit, from the Division of Fire Safety to coordinate a program.



It seems like we've dropped the ball over the last couple of years with the Pinelands Commission, with that activity. Maybe that should be picked up someplace else in State government.

ASSEMBLYMAN CONAWAY: That's probably the problem.

MR. SCHULTZ: Excuse me, sir?

ASSEMBLYMAN CONAWAY: That's probably the problem. They're not charged -- they don't really have the charge for that.

MR. SCHULTZ: Okay. But they were going in that direction. And maybe DEP, maybe DCA, maybe collectively all these agencies need to pick that up and have some direction. I mean, we have hundreds of thousands of people that live in this endangered area.

I went and spoke at their National Fire Conference in April. The Mayor was supposed to go, and he couldn't make it. He sent me out there to speak to them. I was very impressed with what the National Fire Administration is doing -- or Forest Fire Service is doing. I don't agree with some of their things, policies and so forth. But I do agree with what they're doing here in New Jersey with the National Fire Plan. They're generating money for us. Tens of thousands of dollars will be saved by Berkeley Township taxpayers by our participating in the National Fire Plan.

We've worked with our local fire section warden, Jim Dusha, to promote controlled burnings in these areas that were inaccessible to us because of financing, manpower, equipment, all the costs involved. I mean, you go to a bunch of senior citizens on a fixed income and try to tell them that you're going to have to spend \$3000 or \$4000 for an insurance policy to do a controlled burn for one day, that's ludicrous.

But with the National Fire Plan, being that they're not-for-profit organizations, we can come in and do that. And we're working-- Jim Dusha and I have been meeting, on a regular basis, with these people to coordinate a plan, which we'll have put together and be presenting to Maris and his staff, probably, within the next two months. And we will be doing a lot of controlled burning in Berkeley Township, courtesy of the National Fire Plan. So that type of thing needs to be supported for that aspect of it.

ASSEMBLYMAN CONAWAY: That's Federal money coming down?

MR. SCHULTZ: That's Federal money coming down. And it's a tremendous plan. It's coming down for the fire suppression efforts, for the controlled burn efforts, for the fire prevention efforts. And if anybody in this room doesn't understand how the Fire Service works, they need help.

A few years ago, Senator Connors went to the Legislature and got equipment for them. They needed updated vehicles and so forth.

ASSEMBLYMAN CONAWAY: I had that bill in the Assembly. Connors and Jeff (indiscernible). I just saw yesterday.

MR. SCHULTZ: They participated in that. They did some things as far as arson prevention in the fire -- forest, and so forth.

But now we need to look at what this Fire Service does -- what the Forest Fire Service does. And as far as I'm concerned-- Like I say, I come from 30 years of fire experience. They're on demand and understaffed drastically.

Take Berkeley Township. We're a community of 40,000 people. We're surrounded by the forest. I happen to be fortunate. I live on the ocean

side in the CAFRA area. But the rest of the township is across the bay from me in the forested area.

We have one forest fire warden, and he does one hell of a job. He comes to the meetings. He attends. He fights the fires. He does everything he has to do. But he has too much area to cover for one person. In that same 40-square-mile township, with the 40,000 people, we have three fire companies and 150 firefighters available to protect the town, and one forest firefighter.

Of course, he calls in the resources and the troops when he needs them and so forth. But that is ludicrous. That's something we need to look at. That's something the Legislature needs to look at -- how we supply manpower and so forth. And that really is an issue. And it's going to be a bigger issue, because we have more and more people that are interfacing with the forests when they've moved down in these communities.

We are a prime example. For a community the size of Berkeley to have two major events, which George can tell you-- And I went to that National Fire Conference. The people out West don't talk about a major event, I guess, until it gets about 100,000 acres or something. And nobody loses any houses or anything.

We have two little nickel-dime fires here -- 100,000 acres -- 800 acre fire -- and we endangered tens of thousands of people -- the potential to lose thousands of homes in both fires. Just because the good training of the Forest Fire Service and our local fire service resources -- that's the only thing that saved us in both fires -- and a little bit of praying. But basically, that's it.

And it's ludicrous not to have the manpower, first of all, and the resources to do that. But we also need to go on the other side of the scale on

the fire prevention. And I believe that, maybe, you ought to look at what the Pinelands Commission does and change, maybe look at legislation, and change their direction a little bit, to be more concerned. We want to preserve the Pinelands. Let's preserve the Pinelands by doing controlled burning, doing all the fire prevention things. We have the expertise on that panel to tell the people that live in the Pinelands what they should be doing. That's it.

ASSEMBLYMAN SMITH: I have a question. Berkeley Township-- There were three levels of risk. I don't recall what they were: low, moderate, extreme -- that was up on the screen here.

MR. GABLIKS: That was for the defensible space that would be required.

ASSEMBLYMAN SMITH: What is the space between the homes in Berkeley and the Pinelands?

MAYOR VARANO: In the northern section of Berkeley, where the scenic communities are, I would say 30 to 40 feet.

ASSEMBLYMAN SMITH: Okay. How would you characterize your risk in Berkeley Township?

MAYOR VARANO: I would say in that area, high. Even though it's only 30 to 40 feet, I would still say it's a high risk.

ASSEMBLYMAN SMITH: How is it that the homes got that close to the pines?

MR. SCHULTZ: I will answer that question very well. That's how I got to the hearing -- the fire-in-the-pines hearing. Terry Moore and I had a big argument the day before the hearings, because there was an article in the paper that said the Pinelands Commission will not allow you to build a house

unless you have a 200-foot buffer in a high-risk area. And that was a great statement to make, because it was very true, and it made a lot of sense.

The only problem is, the homes we're talking about, and the area that the Mayor's talking about, was built 25 years ago. These developers were allowed to build the homes as close-- I'm as close to you as a tree is in somebody's back yard in that area that burned in the Wranglebrook Fire. They didn't even have the access area to get behind these houses to protect the homes. They actually needed bulldozer to go through there instead of firefighting vehicles or off-road vehicles that they use.

So, what's happened is, the Pinelands Commission has realized that and has changed the buffer area. But we have to deal with that now, as the local residents, because we're living in homes that are 25 years old, or 20 years old, that were built right up to, and interface right with, the forest.

If you look closely at some of the photos that Maris had here, and you see where the forest comes right into the coves of the houses and so forth, you'll see houses that were less than seven feet away from an actual full-growth pine tree -- that when the fire came up, it went right up that tree and melted the whole side of the house. And through the good graces of God and the Fire Service -- kept those houses from burning down. And we had the same type of problem in the June fire. It was a different type of area.

MAYOR VARANO: Thank God, in this one we did have the Parkway and a little bit of a break to give the guys a little bit of breathing room. But still, the winds were going 35 miles and hour, and it flew right across the Parkway. These homes were just opposite the Parkway -- adjacent-- Like I said before, if you-- If we had -- and I wish I brought the aerial -- the

two homes on either side of the home that was burnt down had about 70-foot set backs. The home in the middle had no set back -- right up to the house. That home was gone in -- Maris, we can say -- 10 minutes. The two homes on the side -- one home's not even touched. The other home had melted siding because it was a little close to the woods that were close to the other house. But that home was -- those homes were saved.

ASSEMBLYMAN CONAWAY: Two questions.

One, you mentioned the code issue. Have you all changed your codes to prohibit, I don't know, a wood shingle roof?

MR. SCHULTZ: We can't. We work under the State Uniform Construction Code. And just for a point of information, I'm a construction official. And the State Uniform Construction Code that we have right now is the BOCA code -- BOCA Building Code. It's what's called a minimax code.

The Legislature, in 1975, passed a law that formed the Uniform Construction Code. And when they passed that law, they said that we had to adopt a nationally recognized code. The State DCA chose to adopt the BOCA code. The BOCA code is a minimax code. And by that I mean this: That is the code for the State of New Jersey. I hold the book up here and say that, for example, you build a house, you build it to that code. You don't have to have any sprinkler systems in because it's a minimum code in your residential house.

The maximum is the other side of the scale. We could say, on a local level, we want residential sprinklers in the home. But we can't do that in New Jersey because we are confined by the minimax code concept. State law restricts us from going beyond that.

I worked in a community in Highland Park in Middlesex County -- just to show the effect of that code. We had an ordinance there that required, prior to 1977, when the Uniform Code went into effect, that required every building over 3000 square feet to be fully sprinkled when it was renovated. Every building in a commercial--

ASSEMBLYMAN CONAWAY: Residential.

MR. SCHULTZ: Every commercial zone building. In 1977, January 1, the new code goes into effect. The BOCA code required every mercantile or commercial building over 12,000 square feet-- And in a town like that, you don't get too many 12,000 square-foot buildings, but you've got a heck of a lot of 3000 square-foot buildings.

So what is done -- the minimax code concept -- it was a different issue for this day. But it puts a lot of pressure on local fire service, because it does not allow for the ability to plan for the future.

If we were still on the same concept where I lived in Highland Park and worked in Highland Park, we'd have residential sprinklers in new homes.

ASSEMBLYMAN SMITH: Would that help you with forest fires?

MR. SCHULTZ: It would help you with any fire. Fire is a funny thing. It doesn't matter if it's in a forest or it's in a home. It's the same thing. It burns up, and it burns out. And it needs fuel. Those ingredients are always there. The fire triangle is always there. So it would help you in anything.

With all the construction that's gone on in a township like Berkeley -- have we had a sprinkler ordinance? I know I'm on a different bandstand here today, but if we had a sprinkler ordinance, we'd have 15,000 or 20,000 homes that are protected both inside and out.

ASSEMBLYMAN CONAWAY: My other question was -- and I'll talk with the Commissioner about whether they can make-- I hate to ask this question -- short answer--

Can the Commissioner of DCA do a -- change to the minimax code just to effect that thing? Or, under our own laws, if you're aware of the question, does it have to be a broad-- Do you have to meet that code broadly in order to get at this one change that we need to make?

MR. SCHULTZ: His hands are tied to the minimax code. He has to adopt the minimax code. The next minimax code they're going to adopt is the international building code next year.

ASSEMBLYMAN SMITH: Why can't there be an exception?

MR. SCHULTZ: You guys can make the exception.

ASSEMBLYMAN SMITH: That's the question he's asking.

ASSEMBLYMAN CONAWAY: All right. Good. That's why we need to know that.

MR. SCHULTZ: What you can do is two things. You can change the Pinelands Commission rules in that area. You can change the rules around the State and say that anything within the forested area must have a certain classification. We were working on that at the committee I was on with the Pinelands Commission -- of establishing some sort of classification, based on what Maris has here, as far as degree of fire hazard. If they're in a high-hazard area, no wood roof, no wood sidings, no vegetation -- have to be a certain area.

ASSEMBLYMAN CONAWAY: The DCA Commissioner would have to do that by making code changes.



MR. SCHULTZ: The Legislature would have to allow the Commissioner to do that.

ASSEMBLYMAN CONAWAY: Allow her to do that -- her in this case.

My other question was, with your experience with the fires in Berkeley, how was -- the aftermath question-- How were people affected, in your opinion, there? Were people able to get back on their feet? They all had, I guess, hazard insurance and were able to get their homes rebuilt. Were there any things in the aftermath of that tragedy -- many tragedy -- all tragedy -- certainly individual tragedy -- that you can see that would help our deliberations here? People got back on their feet. Their insurance covered them; they had no problems there.

MAYOR VARANO: Everything on that went well. The cooperation from-- I mean, we had the State Forest Fire Service, the State Police, the county coordinators, all the local municipalities in the area -- no, everything on that side went well. All the homeowners, fortunately, had insurance. There was no problem in that sense. We also had many banks step up to the plate and offer 2 percent off any loan to do any repairs. So, on that, there was a great cooperation between the local and private entities.

ASSEMBLYMAN SMITH: Chief Hoffman, did you want to say anything about sprinklers?

**CHIEF JOHN HOFFMAN:** Some in the room may know that Washington Township--

ASSEMBLYMAN SMITH: You've got to step up.  
I'm sorry.

ASSEMBLYMAN SMITH: And identify yourself.

CHIEF HOFFMAN: I'm John Hoffman. I'm the Chief of Washington Township Fire Department, in Gloucester County.

Some in the room may know that Washington Township, a little more than a year ago, tried to enact the residential sprinkler ordinance, and the DCA fought us in court to void that ordinance that we had enacted.

This is not an issue, necessarily, for this particular body. But it does touch on it, somewhat, and I appreciate hearing the comments from the construction officials that, certainly, what we try to accomplish might help in other situations as well. And if there's some relief that the Legislature could do, to allow the parts of the construction code where local municipalities could enact more strict requirements, whether they be something that would prevent or reduce the risk for forest fires or, whether, just for fire in general, it would be immensely helpful and would relieve some of the stress that fire service agencies are faced with.

ASSEMBLYMAN SMITH: Who are your legislators in Berkeley?

MAYOR VARANO: Connors, Moran, and Connors.

ASSEMBLYMAN SMITH: Have you spoken to them about--

MAYOR VARANO: We wrote to them in the past, yes.

ASSEMBLYMAN SMITH: Any questions?

MAYOR VARANO: In the one resolution that we did pass with the liability, I believe Connors did push very hard for us on that. And it did go into, I believe, at the time, a Senate committee or legislative committee for review or come out into some sort of bill. But I haven't heard anything in the last couple of years.

ASSEMBLYMAN CONAWAY: Liability bills are tough.

ASSEMBLYMAN SMITH: Assemblyman Geist.

ASSEMBLYMAN GEIST: Thank you, Chairman.

First of all, nice meeting you, Mayor.

MAYOR VARANO: Nice meeting you, also. Thank you.

ASSEMBLYMAN GEIST: I want you to know I'm co-sponsoring the Connor's legislation to increase the penalties on arson cases.

I'm here with the question, are you a Pinelands community?

MAYOR VARANO: Yes.

ASSEMBLYMAN GEIST: How much interaction has there been between the Pinelands Commission and you on fire safety?

MAYOR VARANO: Like Mr. Schultz has said, in the past -- over the last two years, I would say, very minimum. But prior to that, it was very active, where they were having meetings. I attended a meeting at Burlington County College. I testified there with Mr. Schultz. We put on a display. But that was about two years ago. And they were meeting very often. Bill was the representative for the township. And then, I would say, over the last year and a half, two years, it just died out. But I'm sure, now, with the more recent fire -- the June 2 or, now, even the Fort Dix fire, this is going to pick up again. We're going to need the-- Our residents are calling every day. They want to address this very much. They're scared.

ASSEMBLYMAN SMITH: We're going to call Mr. Horner up next.

But do you have any reason why there is a void the last two years?

MR. SCHULTZ: Change in leadership down there, and change of direction. They've lost their sense of direction with regard to the fire safety issue. They've clearly lost it. They've had a program. We met on a monthly basis. I mean, if you want to cut to the gist of it, that's it. The change of leadership and the change of direction-- They seem to not recognize the fire problem.

ASSEMBLYMAN SMITH: It began two years ago.

MR. SCHULTZ: Well, up until the new leadership there, I was meeting on a monthly basis with his predecessor, Dave Harris, and people from DCA, people from other areas of the state, and fire prevention associations, firefighters -- on a monthly basis. They can show you minutes of the meetings we had on a regular basis. Those minutes drove us to--

What was the Mayor of Buena Vista?

MAYOR VARANO: Chuck Chiarello.

MR. SCHULTZ: Chuck Chiarello. He had us go to the Mayor, the Pinelands Mayors Association, and give a presentation on our Fire Safe Committee. We also went to another organization through the Pinelands Commission.

But after that, the change of leadership, apparently, had the change of direction, and their sense of direction has changed away from this issue.

MAYOR VARANO: One more, Assemblyman. Some of the municipalities have contacted us about our Fire Safe Committee. So if other municipalities are to start a committee like ours, where they meet monthly, and it's an education process, and the help that we get from the State Forest

Fire Service-- They're going to need the help, too, because they bear a lot of the costs, also, in coming out and meeting with our groups, because after they meet at the Fire Safe Committee, we have all these representatives there from all these homeowners' associations. I have nine homeowners' associations. So, the next thing you know, they're calling them.

We don't want the local guys. We want the State Forest Fire guys at our meeting to speak. Well, that's a bearing of cost to them. So I think more funds have to be allocated towards education also.

ASSEMBLYMAN GEIST: Quick question, Chairman.

Have you had any interface with the Pinelands Commission this year?

MR. SCHULTZ: The Pinelands Commission, other than reading the newspaper? No, sir.

ASSEMBLYMAN GEIST: Thank you.

MR. SCHULTZ: I haven't had any in the last two years.

ASSEMBLYMAN SMITH: All right. Why don't we call up Mr. Horner from the Pinelands Commission.

ASSEMBLYMAN GEIST: Thank you.

MAYOR VARANO: Thank you.

ASSEMBLYMAN SMITH: What's happened over the last two years?

**CHARLES HORNER:** Well, if I can address that in the context of my overall comments, Mr. Chairman, would that be acceptable?

ASSEMBLYMAN SMITH: Absolutely.

MR. HORNER: My name is Chuck Horner, that's H-O-R-N-E-R. I'm the Acting Assistant Director of the Development Review Section with the Pinelands Commission. And I'm here today on behalf of the Pinelands commissioners and our executive director. And I'd like to thank both the Chairman and the members of the Committee for this opportunity to testify.

I have a couple of items that I would like to cover, and then I'd be more than happy to answer many of the questions that were raised here today.

As others have testified before me this morning, and now we're into this afternoon, historically, fire has played a critical role in shaping the landscape of the Pinelands. Both the frequency of fires and the intensity of fires are key factors in that.

Just a couple of examples, to give everyone a little flavor for the issue: as you're going down Route 72 towards Long Beach Island, you pass through what's referred to as the Pigmy Pines, or some refer to them as the Western Plains. It's pretty well accepted that intense fires are necessary in that area to maintain that habitat -- the heat of those fires to allow the cones from those trees to -- for their seeds to take sprout.

Forest fires are critical in the Pinelands for the open habitat it provides, as was alluded to by others that testified today, that opened habitat provides critical habitat for certain threatened and endangered plants.

And just the last example: the Atlantic White Cedar Swamps that most typically associate with the Pinelands area-- Those wetland areas are protected by the Pinelands under our regulations, and they provide excellent natural fire breaks.

To move into, more specifically into, the issue today of wildfire management in the Pinelands, I'd like to briefly cover four areas. The Pinelands Plan and the regulations, as it was adopted in 1981, as it exists today; the Commission; as others have referred to, the Firewise in the Pinelands hearing that was conducted in 1998 in Leisure Town in South Hampton Township, which generated the forest fire task force that was just referred to a few moments ago, which I was a member of that forest fire task force and continue to be; and the Commission's future role in wildfire management in the Pinelands.

The first point-- I'd just like to spend a moment on the concept of the Pinelands Plan. For those that may not be familiar with how the Pinelands Plan is set up, in many respects it is similar to a local zoning ordinance that establishes different municipal zoning districts in a town. At the Pinelands level, it's a much broader regional scale. That Pinelands Plan divides the Pinelands area up into something that is referred to as land management areas. And those land management areas range from regional growth areas, where development influences and development is encouraged to happen; down to the more conservation-oriented areas such as the preservation area, which a good example of that is the environs around Chatsworth, where development is discourage. In those conservation areas, we believe that there's a role for fire in the preservation of the ecological integrity of the Pinelands. And the development areas, obviously, are where the fire safety issues come in to play.

The map that I passed out that you're looking to, in front of you, was adopted in 1981. The Pinelands Plan contained a component that dealt

with fire safety and fire management. And, as you can see from the map in front of you, almost all of the Pinelands area falls into a -- I believe it's moderate greater fire hazard area. So there's no question that it's a hazardous-- One of the most hazardous wildland fuel types in the nation are present in the Pinelands.

What the Pinelands Plan did was set up different standards for fire protection. And those standards ranged from making sure that all developments of greater than 25 dwelling units had two ways of ingress and egress. So, in other words, there weren't cul-de-sacs with only one way in and one way out of larger developments. It requires that all dead-end roads end in a manner that would allow firefighting equipment in and out of developments if they happen to be developments of less than 25 dwelling units.

And they set up-- The Pinelands Plan set up the fuel hazard classifications that you see in front of you. And those fire hazard classifications had corresponding regulations, so that if you developed a home in the Pinelands, depending on the forest hazard classification that that home was located in, there were different clearing requirements that were required around the dwelling. And the higher the fire fuel rating, the greater the area of clearing that was required around the dwelling.

In addition to that, just one other example of one of the fire mitigation standards in the Pinelands Plan, was that any large developments of 100 dwelling units or larger were required to provide a 200-foot perimeter fuel break around the entirety of the development. At that time, the Pinelands Plan also contained mandatory construction provisions. There were references earlier today concerning a prohibition on wood roofs, requirements that



chimneys be capped, and similar construction requirements, as was indicated to us just a few moments ago by the construction code official.

One of the difficulties that the Commission encountered was just the fact that the Commission did not have the authority, nor did the municipality have the authority, to require those specific construction techniques. Based on that, the requirement was amended in the Pinelands Plan to simply be a guideline. This refers back to the BOCA requirements. The Commission did not have the ability, nor the municipalities, to enforce those standards.

A couple of other items-- I could go on for quite some time, but there are a couple other items that I wanted to touch, just, on the regulatory aspect. The Commission's regulations allow forestry throughout the Pinelands. So it is somewhat of a different issue than the types of traditional building that are not permitted in certain areas of the Pinelands. Forestry is permitted throughout the Pinelands area.

As our regulations relate to prescribed burning and fuel breaks that are necessary for the State Forest Fire Service to accomplish their mission, all of those activities are exempt from applying to the Commission. So it is not necessary for the State Forest Fire Service to come through the Pinelands Commission to implement their prescribed burning, nor the fuel breaks that they typically use to control those fires.

Since others have talked about the Firewise in the Pinelands hearing and the forest fire task force, my next two items, in the interest of brevity and to answer questions that, I'm sure, the Committee members may

have, I would just like to touch on a couple of those -- a couple -- what I view to be important items.

This was in April of 1998. The Pinelands Commission and the Pinelands Municipal Council co-sponsored a hearing of experts for one day in South Hampton Township. Experts from across the country and from the State of New Jersey were invited to that hearing. They included the New Jersey Forest Fire Service, the U.S. Forest Fire Service, representatives from the California Department of Forestry and Fire Protection, the New Jersey Association of Realtors, Pinelands Mayors, and fire officials -- all to testify about fire in the pines and the issue that was confronting the Commission and continues to confront us all today.

I think it's fair to say that the bottom line from that hearing was the need for continuing an educational effort -- just the need to educate public officials, residents, and future residents of the Pinelands -- of the risk that's associated with forest fire in the Pinelands.

In response to that, a forest fire task force was set up by the Pinelands Commission. I was the Pinelands Commission's representative on that task force. The task force was comprised of representatives, that were previously mentioned, of Berkeley Township, the Pinelands Municipal Council, the Department of Community Affairs, the New Jersey Fire Prevention and Protection Association.

We did, in fact, identify the four primary goals that task force felt were critical to address this issue, in the Pinelands, of managing the forest fires. Again, the first goal was the educational effort. The second goal was actual land development techniques, the design of subdivisions, the designs of site

plans. The third was actual construction techniques, the BOCA code matters. And lastly was the recommendation for a comprehensive approach from -- an inner-agency approach to forest fire planning.

There was, in January of 2000, a hearing at Burlington County College. We invited representatives from eight Pinelands municipalities to that hearing. It was well-attended. The representatives ranged from superintendents of school to mayors, council members, representatives of the fire departments. And a discussion was held at that hearing, how to further this effort -- education -- excuse me, the educational effort in the Pinelands.

Today, a little bit earlier, you heard representatives of the New Jersey Forest Fire Service testify. They are engaged in a Firewise Program. That is in response to a grant that they received from the Federal government. The Commission is participating in that program as a continuation of the Firewise Program.

With respect to future efforts of the Commission, certainly, we believe that the Commission has developed a plan, which protects significant acreage of the Pinelands from intense development, thereby reducing the overall risk of residents of those more conservation-oriented areas from forest fires. This does not mean to imply that all residents are safe. We understand that. But the Pinelands Plan, unto itself, has been an aid in this matter.

In other areas of the Pinelands, significant development has occurred and will continue to occur in high fire hazard areas. These residents will be placed in what is referred to, in this meeting room today, as the wildland-urban interface, where this development is meeting these wildlands.

The Commission has regulations in place to try to mitigate that interface. And those are the existing fire mitigation standards.

We believe there's certainly a lot of room to improve fire safety in the Pinelands and in our regulations. And a public educational effort must be ongoing. It's opportune in a sense that, right now, the Commission is just initiating its five-year review of the Pinelands comprehensive management plan. This will provide an excellent opportunity for all the interests in this room to provide input to the Commission and recommendations on how the Commission can do a better job with its regulations and, potentially, amend those regulations.

And lastly, the Commission stands ready to, both, participate in amending our regulations and engage in any future efforts, including the present ones with the State Forest Fire Service, with educating the residents of the Pinelands.

Thank you for letting me comment. And I'd be happy to answer any questions I could.

UNIDENTIFIED SPEAKER FROM AUDIENCE: Could you identify your name, please?

MR. HORNER: Sure. My name is Chuck Horner, H-O-R-N-E-R, and I'm the Acting Assistant Director of Development Review with the Pinelands Commission.

ASSEMBLYMAN SMITH: Assemblyman Geist.

ASSEMBLYMAN GEIST: Thank you, Chairman Smith.

A couple of questions--

First of all, nice meeting you.

MR. HORNER: Nice to meet you.

ASSEMBLYMAN GEIST: Do you think it would be possible for the Pinelands Commission to have a public hearing, like this Committee, to engage the fire safety community in a better way?

MR. HORNER: Absolutely, I do.

ASSEMBLYMAN GEIST: Do you think it would be possible to have a dedicated hearing solely on this topic, where the Pinelands Commission could revisit their policies?

MR. HORNER: I certainly do. I mean, the Commission has expressed its interest in this matter. We recognize it as a vital issue to both the Pinelands and to the public at large. And I cannot speak directly for the commissioners, but I believe the Commission would be more than happy to host such a hearing.

ASSEMBLYMAN GEIST: Thank you.

Currently, the Pinelands Commission-- Are there any vacancies in the membership?

MR. HORNER: Currently, there are seven gubernatorial appointments to the Pinelands Commission -- and I'm not sure I'm going to use the right term -- but have expired. Those appointments are -- as the process works, the appointments continue until they are replaced. So yes, is the answer to your question. There are seven openings, to my knowledge.

ASSEMBLYMAN GEIST: There are seven openings of how many members on the Commission?

MR. HORNER: There are 15 members on the Pinelands Commission, of which 7 are appointed by each of the counties that are in the

Pinelands, 7 are appointed by the Governor, and 1 is appointed by the United States Secretary of the Interior.

ASSEMBLYMAN GEIST: I appreciate your answers.

Do you know whether any of the current commissioners have fire safety expertise?

MR. HORNER: I do not know the specific credentials of each individual commissioner, is the answer to that question.

ASSEMBLYMAN GEIST: Do you know whether there is statutory requirement of eligibility criteria, where fire safety is a consideration?

MR. HORNER: I'm not aware of such a requirement.

ASSEMBLYMAN GEIST: Who on your Pinelands Commission professional staff has fire safety expertise?

MR. HORNER: I would-- My answer to that question would be two individuals. I'm not sure I'm going to-- Could you clarify your question for me, Assemblyman, specifically as it relates to--

ASSEMBLYMAN GEIST: Sure. I'm saying all these very respectfully.

MR. HORNER: I understand.

ASSEMBLYMAN GEIST: Please understand that. Do you know of anyone on the Pinelands Commission staff who has fire safety expertise?

MR. HORNER: Well, I'll answer the question the best way I can. I have certain expertise with the regulations of the Pinelands Commission as they relate to fire safety in the Pinelands. We also have staff experts on forest fires, the behavior of the environment with forest fires.

ASSEMBLYMAN GEIST: Maybe I could assist you in that definition. Do you have anyone who is employed by the Pinelands Commission who comes from a career in fire safety, either be a volunteer firefighter, fire chief, a professional firefighter, someone like Chief Hoffman, who has credentials in fire service?

MR. HORNER: No, we do not have a staff member with those types of credentials.

ASSEMBLYMAN GEIST: In light of the testimony earlier today from Mr. Williams, who reports the potential for a catastrophic fire, can I ask you to convey, through the Commission, some interest in, perhaps, revisiting this issue so that you can have, within, some expertise, either on the Commission and/or on staff?

MR. HORNER: Absolutely.

ASSEMBLYMAN GEIST: Thank you.

ASSEMBLYMAN FISHER: Assemblyman Conaway has a question.

ASSEMBLYMAN CONAWAY: I do.

Without taking a position on whether or not there ought to be someone with fire background either employed by the Pinelands Commission or on the Commission itself, that expertise is available to you. And if you need to have some people in, advising you on fire safety, you have done that. You have shown a willingness to do that. And that kind of a structure, I guess, can work to make sure that the fire considerations are a part of the deliberations of the Commission. Isn't that right?

MR. HORNER: Yes, I certainly think we work very well right now with the State Forest Fire Service. The regulations that were originally placed in the Pinelands Plan in 1981 were the result of a collaborative effort between the Forest Fire Service and the Pinelands Commission. And I frequently--

ASSEMBLYMAN CONAWAY: Now, I note that you--

ASSEMBLYMAN SMITH: Assemblyman, if I could just interrupt for one a second.

I just wanted to thank NJN for coming down and spending so much time this morning. They made a comment that they found this issue very interesting. And I appreciate their time. But they have to get out of here. They have another deadline.

UNIDENTIFIED SPEAKER FROM AUDIENCE: It should be on tonight at 6:00, 7:30, and 11:00. (laughter)

ASSEMBLYMAN GEIST: Good commercial. Everybody watch.

ASSEMBLYMAN SMITH: So he wanted to do this with little disruption, but there's some equipment that needs to be taken down.

I guess we're good to go, Assemblyman.

ASSEMBLYMAN CONAWAY: I note, with some surprise, that the Pinelands Commission has no authority or does not need to review firebreak kinds of activities or controlled burns by the Fire Service -- and perhaps it's not the best question for you -- I guess DEP then-- I mean, somebody must be there to review the environmental impacts of those kinds of things to make sure that they fit into -- that there's respect paid to the environmental considerations.



MR. HORNER: I'll speak briefly to that, and certainly the representatives of the New Jersey Forest Fire Service can contribute anything they feel that I misstate or leave out.

I do know that there are burn plans that are provided, that are prepared by the Forest Fire Service each year, and those plans are distributed for comments -- interagency comments amongst the DEP agencies. The Pinelands Commission has, recently, started participating, over the last couple of years, through something referred to as a Pinelands Forestry Advisory Committee, to reviewing those burn plans and commenting on them in an informal nature.

ASSEMBLYMAN CONAWAY: A committee headed by whom -- or brought together by whom, the DEP?

MR. HORNER: The Pinelands Forestry Advisory Committee. That's brought together by the Pinelands Commission. And I'm the, I'd say, the administrator of that committee. And we comment on those burn plans. But it is a fact that, actually, the burning activities and the control activities that are associated with those burns back in 1981, when the Pinelands Plan was put together, were exempted from application requirements to the Pinelands.

ASSEMBLYMAN CONAWAY: And -- I guess it's not a question for you -- I'll save it for -- I guess it goes to the DEP then? Where does it go? I mean, does the Forestry Service then have the ultimate authority over those things, or does it have to be reviewed by the DEP?

MR. BARRESI: Prescribed burning plans, as Maris went through the process -- walked through it-- The internal process-- We develop the plans

based on the assessment of need. And based on the priorities, it's an internal process within all the DEP agencies. Then we have the process where it goes for public comment, goes through the Pinelands Forestry Advisory Committee, and anybody-- Actually, we put a public notice out -- anybody who wants to comment on those plans--

ASSEMBLYMAN CONAWAY: So, being in the DEP, there is someone with an environmental mission who has input on those decisions. I guess that's what my concern was.

MR. BARRESI: Several people, who have environmental input into this--

ASSEMBLYMAN CONAWAY: Back to Mr. Horner here. I would -- and it may be that-- I know things change over time, as we develop more knowledge, different approaches are taken. But do you have a concern-- I guess you always have to have concern about development in the Pinelands, given--

It seems to me that there is a problem with the way that development has been allowed to be undertaken in the Pinelands region, particularly as it regards to this fire safety question -- as I always am -- as it regards to the protection of the resource.

The Pinelands Commission, I'm going to presume here, is-- Are they making changes to the kinds of permitting they're going to allow, in terms of new housing development that respects the hazard created by fire? I mean, how elevated is the safety issue and the fire hazard issue in the mind of the Pinelands Commission when it looks at these new developments that may come on line?

MR. HORNER: I actually appreciate your question, and I think I can answer it. This becomes a very involved issue.

ASSEMBLYMAN CONAWAY: I only asked--

MR. HORNER: And I will do it briefly, I promise. This is an interesting issue. Yes, the Commission understands that, from time to time, people are wondering why we're approving development in certain areas.

ASSEMBLYMAN CONAWAY: I always do, actually.

MR. HORNER: And this goes back to the beginning of setting up the management areas where development is to occur and development is not to occur -- or limited -- I shouldn't say not occur -- limited development is to occur. But the key there is, limited development is allowed to occur. And that goes directly to a property rights issue. Can the Commission simply say, hypothetically, because of a fire hazard area, these lands cannot be built on? I think the answer to that, so far, has been, as far as a broad answer -- is no, because there is an issue concerning -- that a property has a reasonable beneficial use to it.

And just a quick anecdote. When we had our Firewise in the Pinelands hearing in South Hampton Township, the representative from the California forestry department came before us with videos and with handouts showing these -- and I'll use the word *conflagrations* that is frequently used by the Forest Fire Service. In these areas in California, small lots, areas devastated by forest fires--

And when one of our commissioners posed the question, "Well, why isn't development restricted in some of these areas?" the response from California was, "Well, we haven't gotten to that part of planning where we

would actually say some areas should develop intensively, and some areas should not develop intensively.”

My point in that is that if the Pinelands, while it's subject to criticism to allowing development to occur in certain areas, is way ahead of the curve, as far as development areas around the perimeter of the Pinelands, in trying to protect the internal areas.

Now, when you get into the internal areas, and you're looking at a density -- the Pinelands Plan will permit houses -- one unit per 3.2 acres -- up to one unit per 40 acres-- Is the fact that that one house is built on that 40-acre lot, in a rather remote area, something that the Commission's comfortable with from a forest fire safety standpoint? And I think that everyone would say, “No, there are certain issues with that.” But there are other issues to be considered. And those lower densities are the means for the Commission to try to balance many competing interests.

ASSEMBLYMAN CONAWAY: I understand the competing interest. So I guess my follow-up question would be -- and I hope the answer to this question is yes-- But as the forest and the habitat is changing-- All the early testimony is, because of the way we're managing -- some people would say mismanaging -- I'm going to use that term -- the forests, the habitat itself is changing. And so there are probably changing risks over time in these areas. So is the Pinelands Commission then being -- recognizing this change and changing what it's allowing, given the fact the habitat is changing?

MR. HORNER: I think that our current regulations probably do not reflect those changes that may be occurring. I think this is a right time for the experts to come to the Pinelands Commission, during this plan review, and

to provide the information about how the forest structure is changing. The Commission is certainly an open agency and willing to listen to those concerns and make appropriate changes to the regulations.

ASSEMBLYMAN FISHER: You said that you don't have jurisdiction over the Fire Service in terms of when they determine they want to make firebreaks or when they want to do controlled burns. Did I hear that correctly?

MR. HORNER: That's correct. We do comment on their plans, but we don't have a regulatory authority where we actually permit something.

ASSEMBLYMAN FISHER: Okay. So, you couldn't stand in their way in that regard.

MR. HORNER: Correct.

ASSEMBLYMAN FISHER: If they chose to do those things.

MR. HORNER: Correct.

ASSEMBLYMAN FISHER: I also heard today that there are those property owners that would like to do, on the fringes of some of these areas, some controlled burns in order to keep the hazard away from areas that already developed and haven't had new -- these are not new areas. These are areas-- I think they mentioned a retirement area where it's a 30-foot buffer.

MR. HORNER: To the existing--

ASSEMBLYMAN FISHER: Has that been addressed by the Pinelands as something that, perhaps, they would consider, even though they don't have jurisdiction? I suspect that they would be weighing in very heavily, saying one way or the other. And I don't know which way that is. One side says that it helps protect the resource. The other side says it helps protect the

property owner. Maybe everybody wins. Maybe nobody wins. I mean, that's where you-- I mean, as a Pinelands -- from your perspective.

MR. HORNER: I'll answer that one in two parts. I think we have existing regulations that may help address that problem. Our regulations allow for selective clearing around existing homes, up to 100 feet in the extreme fire hazard areas, to mitigate that problem. Our regulations allow for forestry activities. Forestry activities can be proposed by property owners to thin their forests where it is a fire safety issue.

In response, Assemblyman, to your question, I mean, the Commission-- If there's something out there that's happening that the Commission's regulations are unable to respond to -- if that's brought to our attention, we will address it. I'm sure there are those matters. I don't mean to indicate that we're not -- that we have everything addressed. If there are specific issues, they should be brought to our attention.

ASSEMBLYMAN SMITH: How about the situation in Berkeley Township? Can they clear?

MR. HORNER: I would need to know the specifics.

ASSEMBLYMAN SMITH: Are you permitted to clear?

MR. SCHULTZ: Up to a limit where the property owners own the property.

The problem we have in Berkeley Township is the homeowners' associations own the property, and that property there is a part that they can clear. But they, basically, go up to private ownership within that same 30-foot range, sometimes, where we back up the Manchester Township in the western part of the township where we have a heavy population of senior communities.

Those houses may have a 20-foot set back. Ten feet of it is encroached by trees. And going beyond that is private ownership on the other side of that 20-foot set back. So we can clear that if we get the permission from the private owner.

ASSEMBLYMAN CONAWAY: Have they not been giving it?

ASSEMBLYMAN SMITH: The Pinelands Commission does not prohibit you from clearing.

MR. SCHULTZ: Not that I know of.

MR. HORNER: I just need to caution-- I don't have all the specifics, but, generally, in the situation that Mr. Schultz is describing, I think the Commission, under its existing regulations, assuming certain cooperation from the other property owner, the person behind all these dwellings, there are rules that we have in place that could address that issue.

Would you like me to expand on that, Mr. Chairman?

ASSEMBLYMAN SMITH: No, that's sufficient.

MR. SCHULTZ: Can I restate my answer? My boss is back there.

(laughter)

We never got a clear answer from the Pinelands Commission. We did address the issue, but we never got a clear answer whether we could do that.

ASSEMBLYMAN SMITH: And a clear question was posed to the Commission?

MR. SCHULTZ: Yes.

MAYOR VARANO: Several years ago.

MR. SCHULTZ: Several years ago it was posed to them. I don't know if it has recently been.

MAYOR VARANO: Not after this transpired.

ASSEMBLYMAN SMITH: Anybody that wants to speak has to be close to the mike at least.

MAYOR VARANO: Not recently, no. It hasn't-- Right now, we're still doing our aftermath studies of this past fire. And knowing what's going to happen with the area that has been burnt down, and the aesthetics of it-- But no, there are questions that are being drawn up, presently, to pose to them.

Like I said, I just recently wrote out a letter to all the taxpayers saying that they should clear an area of 30 feet. And this problem did not just affect this area. We also have the marshlands with the high grass that is 10 feet away from their property, and it's in the wetlands. That's also preserved, and you can't burn that down, either, or remove it. And it's also a hazard, because in the marshlands we get the wildfires just as much as we do in the Pinelands.

So it's been a question where Bill Schultz-- His house is directly adjacent to the Island Beach State Park, which is part of Berkeley Township on the Barrier Island. And his house is in the wild preserve, 20 feet off your backyard. What about that? Those residents are now calling me. Can we clear that further back, because there's all forest there too? And these were the questions that we've been-- I've spoken this week about to Maris, because it wasn't questions that I was-- When I sent out the letter, I was thinking of the forest and Pinelands. Now I have the marshlands people calling me and the



people at, adjacent to, Island Beach State Park. So we are trying to get answers to these questions, presently.

MR. HORNER: Mr. Chairman, I'd just like to offer-- First, I'd apologize to the Mayor if we did not answer his question. You can be assured, after this meeting, I will meet with the Mayor in the parking lot to find out exactly what the question is. And he will have an answer to it. (laughter)

ASSEMBLYMAN FISHER: Let me just add to that -- that's why I-- Sometimes, first you have to figure out who it is that you have to answer to or who you have to get -- who has the jurisdictional oversight. And I know it gets mired sometimes. At least if we can clear that away-- You still have the issues. There are other issues that you're going -- whether or not you can make the determination on how you want to proceed. But you might find that there's a layer that you think that is in your way or not in your way, and they're not there at all. They have an opinion. They have a responsibility -- maybe they would like to see. But we need to get specific answers for you so you can proceed as a mayor.

MAYOR VARANO: Now, a second issue. We brought up-- We have a private landowner that would be, say, in between the homeowners' association buffer of the senior communities and, then, the private lands or anywhere. There's private lands even in any part of the area that might be in the Pinelands. Who would bear that cost if we were going to say, "All right, now we want to go out and set back?" That would have to be a township expense, because we all know the private landowner is going to say, "All right, cut the 30 feet back, if that's how you feel." But now who bears that cost?

ASSEMBLYMAN SMITH: Mr. Williams, there's some money, isn't there, when you clear wood? I mean, you get money for it, correct?

MR. WILLIAMS: You mean in terms of--

ASSEMBLYMAN SMITH: Let's say, for example, hypothetically, it costs \$3000 to clear an acre. I don't know what the cost is. But isn't there some value in the wood, the pulp that's being cleared?

MR. WILLIAMS: At times. It depends on what's there. It's very expensive to clear land. The developer has to clear a woods to build a house. So, on our end, in forestry, we try to develop products from wood fiber, paper, mulch, etc.

So, on a lot of our private projects, we've had some success in getting the project-- The Conservation Foundation is a perfect example of where they wanted to thin their forest for certain habitat requirements. And rather than paying this contractor \$2500 an acre, he bartered with them, and he made his on the value of the wood chips that he created. So it's kind of a win-win.

That doesn't always work. One thing is, when trees are burned up, their ability to be used for paper really goes down, because you can't get that black char in the papermaking process. Sometimes it works really well.

ASSEMBLYMAN SMITH: So sometimes it could be a break, even, depending on the quality of the wood.

MR. WILLIAMS: If they had the right kind of 30-foot of woods that went 1000 feet, there may be an instance where a forestry contractor may say, "You let me keep the wood chips, and we'll clean this up for you."

I mean, that's-- Forestry in New Jersey is very marginal, in terms of economics. That's something we haven't talked about. When you look at the forest and you say, "Well, we're going to go in and manage it. We have prescription to treat it. We want to thin so many trees." That could become very expensive. So, in forestry, we try to be creative and maximize -- can a contractor cut it the way they want it, be able to just take the wood. We've had quite a bit of success with that. Everybody needs to use wood fiber. Once the forest burned, there are processes where we can strip that char off and still use the interior of the wood chip. But, yes, you've got to be creative, otherwise you're looking at tens of thousands of dollars.

ASSEMBLYMAN SMITH: Any further questions? (no response)

DR. DeVITO: I just want to make a comment. I think it's real easy to oversimplify things. If you clear a 30-foot strip, or whatever it is, as a buffer for homes, it's going to grow back. It's going to grow back denser than it was, perhaps, before you cleared it.

This is not a simple problem. It might be that burning is the solution -- controlled burning -- so that you could provide the fire safety without having to, necessarily, get into an unending cycle of every 10 or 12 years having to clear the strip, like the power company has to do under its power lines, for example, which is incredibly expensive.

This is-- It's very easy to oversimplify these things. I would just caution all of you that it's not a matter of just clearing strips everywhere, because it will just have to be redone in a very short period of time.

The other thing is that, very often, these strips right behind housing developments are not necessarily private land, but they're public land.

They might be State parks, State forests, areas owned by other agencies in the DEP, of which there's not just State parks and State forests, there's also Fish and Wildlife and something called the New Jersey Natural Lands Trust. And it's the New Jersey Natural Lands Trust that own a lot of the land that burned where a bunch of retirement village homes were threatened in the Berkeley triangle. That might be the area that we're talking about in that 1997 -- or something like that.

Certainly, depending on the government agency that owns the land, they might strongly favor controlled burning as opposed to just wholesale clearing of forests so that we, hopefully, wouldn't lose all the natural resources in order to increase that buffer strip. I just want to point out how complex this is.

ASSEMBLYMAN SMITH: Any questions or comments?

ASSEMBLYMAN CONAWAY: I just wondered-- I mean, you raised the issue about having to -- that it will grow back again. I'm just thinking-- I guess you've got -- if you have a lawn, you have grass -- that's the only thing about the grass -- I guess that protects -- and people are out there maintaining that. If you do maintenance-- I mean, is it cheaper-- You see a tree that looks like it's gone, you pull it out before it comes up again.

Is there something that you can replace in there? If you were to clear cut, is there something compatible with the environment that you could promote there, in terms of its growth, that would prevent this cycle that you say we should prevent -- and the cost associated with that -- from occurring?

DR. DeVITO: It's hard to answer that on the spur of the moment. One thing that we're doing in parts of New Jersey is promoting drought-

tolerant, warm-season grasses. And in the Pine Barrens, what often occurs under power lines, with the repeated mowing and the repeated disturbances that you get -- a community of warm-season grasses and other shrubs that don't grow very tall.

The problem is, those are also pretty flammable. They're drought-resistant. You don't need to water them to make them live, but they're also pretty flammable, just like a prairie in Kansas. Although, I think it would probably be easier to fight a grass fire -- or if you had a forest fire coming at you and you had a grass strip -- I don't know, maybe the forest fire people could comment on that-- It might be easier to stop a forest fire that was coming through a grassy strip than a forest fire that was coming through the woods. I'm not a forest firefighter.

The point is, whatever you have there, it's going to grow. Even though we've had these droughts, it rains a lot here in New Jersey. It rains enough to promote trees and shrubs and woody vegetation that burns. And you have to work hard to end up with anything other than that. And it's also expensive to establish these grasslands.

ASSEMBLYMAN CONAWAY: Should you-- I mean, if they weren't there to begin with, and it represents a change in the environment, should you put -- should you allow them to be there? Isn't that a question?

DR. DeVITO: Well, I mean, there's some evidence that something like these grasslands may have existed in the Pine Barrens a long time ago. That's why we're trying to re-establish them. But, again, they're expensive. And I don't know that there are any-- I mean, I would think, just from the

seat of my pants, that they're a little bit easier to deal with in terms of stopping a fire, but I'm not sure.

MAYOR VARANO: You brought up a question before, Assemblyman, about the aftermath. One of the problems that we saw in the '97 fire is being addressed a little differently in the 2002 fire -- was the growth that was burnt out, all the trees. In this fire, the DEP is looking at it and dealing with it in a grasslands way. Most of these trees that were burnt were burnt within the State park, whereas, in the scenic communities, some of those trees were on homeowners' association property, and some of it was on property owned by other people.

Now, they want the town to come in and clear the cost. But we can't afford to go out for aesthetically-pleasing -- go out and clear a couple acres worth of trees. So now they're still screaming four or five years later that these trees are still burnt out. And they did not grow back. They're dead trees. They're complaining that aesthetically, in this area -- the scenic communities, these homes are a little bit nicer than the other parts of the scenic communities. They range in, probably, the \$250,000 market level. And they're complaining that this is aesthetically not pleasing, because some of it is right in between the preserved area -- in between homes that go back several acres.

We tried to deal with it. We took down all the trees that we thought were hazardous, that will either fall in walking areas or within the sidewalk areas or anything. But as far as going out and clearing light stream forest, we just can't do that, either. I mean, there's the extra cost.

In this case, the residents in this fire are calling up with the same concerns. Are we going to deal with the aftermath of all these burnt-out trees? It's not going to be aesthetically pleasing, driving down these streets.

I saw a quick grow-back. I'm sure you read some articles in the paper that there is grass growing. Some of the trees are coming back alive. But some of the trees are burnt. And my environmental commission, just this week, wrote me a letter and said, "What's going on with the trees?" But I do know the DEP is addressing it, to maybe deal with this area as a grassland area. They can, maybe, further explain that.

MR. BARRESI: No, I would just concur with Dr. DeVito with regards to some of the other habitats and exploring other opportunities -- prescribed burning, some of the cutting regimens.

There are a lot of alternatives to managing, and that's what the focus of the hearing is, managing wildfires in the Pinelands and also the vegetation. So we're exploring the aftermath of the fire to try and develop a strategy that will provide us with opportunities to reduce the risk of anything coming back. We just are looking into other alternatives. That's what I think Mayor Varano is doing.

We are moving forward. We are consulting with all of our different stakeholders. We just feel that there may be an alternative for us to explore at this time.

ASSEMBLYMAN SMITH: Great. Thank you.

Any more questions? (no response)

Okay. We have George Brooks, United States Forest Service.

Thank you for your patience. I appreciate your coming here.

**GEORGE BROOKS:** I really enjoyed the diatribe. It was very interesting.

What goes on here -- can you imagine multiplying it times, maybe, 50. It's going on all over the country. I, just last Saturday, returned from another fire assignment out West. The devastation to structures, the discussion about the wildland-urban interface, the management of vegetation, the National Fire Plan, the President's initiative, as you well know, are dominating the headlines.

And, certainly, wildland fire has been in the headlines for the biggest part of the summer. And although it is true that most of those wildland fires that have made the headlines have been occurring particularly in the West, I want you to know that the U.S. Forest Service, and myself personally, feel that fire management -- wildland fire management here in New Jersey -- it's a critical need. It is critical that we assist the New Jersey Forest Fire Service in being able to be prepared to meet that challenge.

I prepared just some prepared remarks. You've got that on file. So I'm just going to set it aside and just, kind of, talk around that and, kind of, address some other issues, in the essence of time here.

**ASSEMBLYMAN SMITH:** We have a rule. I sit on the Banking and Insurance Committee. And the rule is, and it's strictly adhered to, absolutely, written testimony, don't read it. We don't want you to read any testimony. Just summarize it, and ad lib, and maybe a couple questions.

**MR. BROOKS:** That's fine. I feel more comfortable doing that anyway, believe me.

**ASSEMBLYMAN SMITH:** Right.



MR. BROOKS: Mr. Chairman and the other Committee members, I do appreciate the opportunity to come to, more or less, share what the U.S. Forest Service is doing to help one of our primary partners -- not only the State of New Jersey, but the New Jersey Forest Fire Service, who we consider one of the premiere state fire organizations in the nation. And you can be very proud of the leadership and the dedication that they exhibit.

We are particularly thankful of their assistance that they've provided, again this year, as we've mobilized to address a major disaster in the West. It's interesting that we're approaching almost 6 million acres. The average for the 10 years has been 2 million acres a year. And we're approaching an outlay, or a cost, of approximately \$1.3 million, which is a staggering, when you really look at the--

ASSEMBLYMAN FISHER: Billion.

MR. BROOKS: Billions.

ASSEMBLYMAN FISHER: You said \$1.3 million. I would say you are incredibly efficient. (laughter)

MR. BROOKS: Maybe I better read this.

But I, basically, want to share with you some key points here. What is happening at the Federal level is really focused on the local level, bringing the National Fire Plan, and that's one-- How many are familiar with the National Fire Plan -- really know anything about it?

ASSEMBLYMAN CONAWAY: I just heard about it.

MR. BROOKS: Great. Well, I've got a wide-open territory here then. I might even be able to fool you a little bit. I don't know.

President Clinton, during his administration in the year 2000 -- that was another devastating fire year. He visited one of our fire camps in the West, and, following that visit, he charged the secretaries of Interior and Agriculture with preparing a report to advise him on how the Federal government could help remedy or mitigate this situation. That report eventually evolved into the National Fire Plan, which has five key points.

The first key point is being prepared to fight the fires. A lot of that money is directed to Federal agencies. The second key point is rehab and rebuild -- rehab and restoration of those lands that are burned. The third point is hazardous fuel reduction, which we've heard discussed here. So you're somewhat familiar with that. The fourth key point is community assistance. And the fifth key point is accountability.

I can assure you that, as we spend a lot of this money, Congress is holding us very accountable and looking at this on a, what seems like, daily basis, because we're continually preparing reports. They want to make sure the taxpayers get what's coming to them. We're spending these dollars wisely and actually helping to mitigate this situation.

Now, let me focus in on key point number four, identified as community assistance. It's through key point number four, community assistance, that the Forest Service is better positioned to assist the states, because it's through that key point that funds are provided that support what are, already, ongoing programs -- such as State Fire Assistance and the Volunteer Fire Assistance, and the Excess Property Program -- that are targeted to helping the Forest Fire Service in New Jersey be better prepared and to develop the capacity to address wildland fire.

The Volunteer Fire Assistance Program -- and I might mention the volunteer fire departments are key. They are a key initial-attack resource across the 20-state area that I am responsible for. Without them, we would really be in trouble.

That program is designed to assist volunteer fire departments that are serving communities of less than 10,000 with purchasing small equipment items, providing wildland fire training through the State Forester's Office to prepare them to be able to assist in wildland fire suppression activities. We're very proud and supportive of the volunteer fire departments.

ASSEMBLYMAN SMITH: Can I just ask a real quick question?

MR. BROOKS: Sure.

ASSEMBLYMAN SMITH: Wildlife or -- wildfires in the Pine Barrens or woodlands-- Is that much different than fighting a fire in a dwelling or building? Does it require specialized training?

MR. BROOKS: Oh, yes. And that's-- When I talk about training, Mr. Chairman, we're equipping them with personal protective equipment. I'm not talking-- I'm talking specifically about training that is specific to wildland fire suppression and equipment that is specific to wildland fire suppression.

Traditionally, fire departments, over the years, have turned out to fight forest fires in their typical bunker gear: the heavy coats and the rubber boots. We don't wear that type of equipment. That's hazardous to your health when you're fighting a wildland fire. We equip them with a helmet, the goggles, the Nomex shirt, the pants, lightweight equipment so that they can move quickly and adapt to that environment which they are addressing.

But it's important that you be aware that the National Fire Plan has almost doubled the amount of Federal dollars that are coming into the State of New Jersey, to support the New Jersey Forest Fire Service as they develop their level of readiness and capacity, and also to support volunteer fire departments.

Now, a big part of these funds are also made available as competitive. All the states apply for these funds and submit, what we call, hazard mitigation projects. And you might guess what those are focused on -- actually reducing hazardous fuel; also on special projects, to educate homeowners, landowners, community public leaders as to what the wildland-urban interface is. They are designed to help states take action to address and mitigate hazardous situations for communities that are at risk, as Bill Schultz has aptly identified, from wildland fire. That's what they're all about.

And Congress has been very generous in that we expect, in the President's budget for '03, to be funded at approximately the same level that we were this past year. So we look forward to being able to support the Garden State, here, with more resources and work closely with your State Forest Fire Service.

Now, another issue that came out of the National Fire Plan -- more direction from Congress -- was that the secretaries of Interior and Agriculture develop a 10-year implementation plan. And that has been signed off on by the western governors, the National Association of State Foresters, the tribal government representatives. And that is now in place. It has four major goals, and it has approximately 23 tasks that are all designed to assist you folks as

you deal with the questions that have been presented here. We look forward to a continued strong relationship.

I want to, also, say that your State Forester has continued to demonstrate outstanding leadership in this arena of wildland fire not only here in New Jersey, but with the National Association of State Foresters. He's a member of their National Fire Committee. He's recently chaired the Northeastern Area Association of State Foresters Group, which represents all 20 state foresters in our particular region -- our area.

So I think you're very fortunate to have the leadership that you do in the State Forester. And I want you to know that we, the Northeastern Area U.S. Forest Service, are committed to helping, in any way we can -- help you folks reconcile many of these issues that you're dealing with here. We have a lot of different interests represented.

That's basically the extent of my comments. I would encourage you to read my prepared comments. They do give -- do a little better job in summing up than what I've done here.

The wildland-urban interface issue, the use of fire as a tool to mitigate risk -- that's just one tool. The National Fire Plan encourages mechanical removal of materials, materials that may not have a commercial value, but where we have other programs where we're trying to develop commercial value for these projects. It's an endless chain here, as we remove materials. We try to develop new industries, new ways to utilize what otherwise is considered unusable wooding material.

The U.S. Forest Service, I know, hasn't received any questions on the President's initiative. And, frankly, since I just got back, just this past

weekend -- talked to Beth while I was on the fires out West -- hadn't thoroughly digested that.

But there's one thing for certain -- research and the best science will verify this -- there's too much material out there in the woods now. And when we do have fires, the fire behavior-- The intensity of that fire is so extreme that there's one thing for sure -- we are not going to risk the life and safety of our firefighters. That has happened before. We have lost firefighters, and we've lost 15 this year. And we are going to have to back off.

So, I want you to, as you debate and look at different options to reconcile, mitigate these challenges here in New Jersey, I want you to keep that one thing in mind. We in the Fire Service consider the primary issue is firefighter safety. We can't do anything that would compromise that.

ASSEMBLYMAN SMITH: When you say 15, are you talking nationwide or just--

MR. BROOKS: I'm talking nationwide. I'm talking wildland fire fighters, too. I'm not talking structural.

ASSEMBLYMAN SMITH: Just wildfire, not structure.

Career volunteer--

MR. BROOKS: Many of them are volunteers, young college students, career Forest Service folks.

ASSEMBLYMAN SMITH: Speaking of volunteers, my district has a composition from almost urban to rural areas. A neighboring community -- Chief Hoffman was here. It's pretty much a suburban community without any farms or trees. So, Washington Township -- the neighboring suburban

community would be unprepared to back up Monroe Township if they had a forest fire down there. Is that correct?

MR. BROOKS: I'm not familiar with--

**ARNOLD GLENN LIEPE:** Glenn Liepe, New Jersey Forest Fire Service. I'm in charge of the six southern counties.

There's continuous training all year long, and it's been going on for years and years. We have, under the six southern counties, 12 local firewardens. They're called section wardens. And that's where they-- Jimmy mentioned there was 22 different offices. Well, their offices are basically in their house, and they command their situation from there.

There's constant training going on. We do training to the local fire departments. We go out and do the public information to the schools. But there's always something going on between the Forest Fire Service and the local fire departments. A lot of times there's drills. There's yearly refreshers. Even in our forest fires, the smaller ones that we have are, basically -- even the training exercise, where you can take new firefighters that are -- and teach them what we're actually trying to do-- So the training continuously goes on. So the fire departments are getting trained in forest fire suppression.

ASSEMBLYMAN SMITH: Well, let me ask you a question. The volunteers in Lindenwold, for example-- Are they prepared and able to assist Winslow Township if there's a forest fire?

MR. LIEPE: Yes, there's mutual aid agreements between all your--

ASSEMBLYMAN SMITH: They are trained for that.

MR. LIEPE: Yes. The difference is, it's been a long time since we had the large forest fires. One of the problems we have is -- if anybody in here

is a firefighter -- many of your forest fires may only be the size of this room or the size of this building. Until you get to the extremely large forest fires, which can be a weather influence, which are burning the height of trees outside -- that's when we don't have the training. It's different every time you go out there.

ASSEMBLYMAN SMITH: Okay.

Assemblyman.

ASSEMBLYMAN FISHER: Mr. Brooks, thank you for coming down and talking with us.

MR. BROOKS: You bet.

ASSEMBLYMAN FISHER: You mentioned that there is too much undergrowth or too much low growth or whatever -- I don't remember the exact term -- in our forests in New Jersey.

MR. BROOKS: No, I didn't say that. Let me correct you.

ASSEMBLYMAN FISHER: Okay. That's why I'm asking you.

MR. BROOKS: I did say that the U.S. Forest Service feels that, primarily on Federal lands, National Forest, other Federal lands, that there's too much wooding material, plant material.

ASSEMBLYMAN SMITH: Okay. So, can you clarify? You're saying there's too much on Federal lands. And you have 20-- I just want to understand. We're here talking about the Pinelands and some of the other forested areas in New Jersey. But you, really, can't -- you say you can't speak to that.

MR. BROOKS: No, I can't speak to the fact -- the level of fuel loading on your Pinelands here. I would defer that to the experts here in New



Jersey. I can say, for certain, that on many of our Federal lands, we feel there is a tremendous amount of extra vegetation there. And a lot of it's as a result of dead and dying forest, other forest health-related problems such as insect disease attacks.

And, as you understand, the Federal lands are under a tremendous amount of, what the Chief of the Forest Service refers to as, gridlocks. There's a lot of regulations and a failure to be able to harvest a certain amount of this timber. Dr. DeVito talked about the timber interest. Certainly they -- the timber interest are interested in some of this material.

But it's-- A lot of the need to move ahead with management intervention has been delayed or deferred by a court action on Federal lands. Of course, when this happens, when we do have-- Keep in mind, all fires start small. When they get to the disaster stage that -- you have more of this material there with the right conditions, the fire behavior and the intensity of the fire just, almost, precludes any type of control.

ASSEMBLYMAN FISHER: Right. I was just trying to get a sense of the -- because you have 20 states -- whether, in a range of this problem -- in terms of whether-- I mean, I guess all states are facing the same problem, then.

MR. BROOKS: Well, I would say those states that have primarily coniferous forest elements. And I'm not trying to dodge your question there, Mr. Fisher. I can say this for certain. The pitch Pine Barren fuel tide is a critical fuel tide that demonstrates some very unusual fire behavior.

As a matter of fact, the fire danger models and fuel models that have been used in the past have not really been accurate enough to provide the degree of accuracy that we would like. As a result, just this year, we've,

through our Northeast Forest Research Station, entered a project here in New Jersey to develop and modify the fire danger rating system to be more applicable to this fuel type.

Now, I think the New Jersey Forest Fire Service folks themselves can address fuel loading issues, specifically in a particular geographic-- I can, with my own expertise and experience -- I am very much aware of the -- how a fire behaves and the critical nature of this fuel tide here in New Jersey. It is very unusual in that, I have heard the ex-fire supervisor in this state say, "Hey, it can rain in the morning and burn in the afternoon." And I think you know that that's very true.

So it precipitates the need, really, to be fully prepared and to respond on the short-term, because a five- or ten-acre fire here in the eastern part of the nation, let me put it that way, can be critical, because we have 43 percent of the people. Where, out West, you may have a 50,000-acre fire that still may not be impacting upon or threatening lives and structures.

We have a fire that's burning now in the interior of Alaska where we have just the minimum of crews there, because they're not really threatening life or property. And that has to be our primary objective.

ASSEMBLYMAN FISHER: So you're here as a resource today, just to tell us how you can help our--

MR. BROOKS: Yes, it was my understanding I was to be here to share with you what the Federal government or the U.S. Forest Service is doing to assist you folks in delivering not only financial assistance, but also technical assistance. We have a full staff of people that provide technical assistance to support the New Jersey Forest Fire Service. Now, if you want specific

information on fuel loading in that, we can work with New Jersey and obtain that for you.

ASSEMBLYMAN CONAWAY: Can I just follow up on that? I mean, the Federal government, I guess, has had a policy of fire suppression and prevention, as well. And one of the questions that I thought was elicited here was that that is -- that policy -- and you may disagree with this statement -- has, sort of, promoted this increase in fuel that is available. Of course, you mention you had infestations and other issues that are going on. But that policy, which the government -- the Federal government still has, is one of the promoters, I guess, of this increased fuel lying about.

MR. BROOKS: Well, let me give you my--

ASSEMBLYMAN CONAWAY: I know it's a big issue.

MR. BROOKS: --opinion on it. I think there's a certain degree of truth to that. We, in the forestry profession, for years, we wouldn't even look at prescribed burning. We thought it was a bad tool. We've gotten a little smarter over the years. But we still do address wildland fire and want to suppress certain fires.

We also have a policy that we use fire when we have natural lightening-occurring fires. That, if there's a plan in place and natural containment barriers, we can use that natural ignition to the betterment of the particular objective we're trying to accomplish out there.

But I think it's safe to say, a part of the problem has been the suppression policy -- that, linked with the complexity of the regulatory nature, litigation that has stemmed management intervention in the forest across this country, insect disease problems-- Those all combine together to have an --

altered the vegetation character in our forest today. And it's probably true to some degree. At least I heard that here, where we're having more of an oak component evolve into the-- Well, that's more fuel. It's definitely more fuel.

ASSEMBLYMAN CONAWAY: Yes, there's a change in the environment. It sounds like, and see if you agree with this statement, if you're going to have a fire suppression policy, then you have to have-- Would you say that you have to have some policy of mechanically removing some of the resulting vegetation and other things that come, as a fire suppression policy? You have one without the other -- you really are creating -- setting up a situation, a substrate for big problems, aren't you?

MR. BROOKS: Yes, sir. I think that we deal in a complex arena when we're dealing with land management, forest management, if you will. You heard Mr. Barresi refer to air quality standards.

ASSEMBLYMAN CONAWAY: That was my next question.

MR. BROOKS: We have to realize that when we use prescribed burning as a tool, utilizing the best science as to when to apply that fire-- As our air quality problems become more severe, we may lose that tool. Gosh, I hope not. We do everything we can to make sure that we have the right atmospheric conditions to use prescribed fire.

What we also recognize is that there are mechanical opportunities to remove this material. And as I said earlier, maybe there is another use for which this material can be utilized, instead of just burning it.

ASSEMBLYMAN CONAWAY: And that was my question. It was mentioned about what can be done at the Federal level. What I heard was that we can't-- Of course, natural fires -- wildfires occur at all times of the year.

But prescribed fires, I guess, can't be done in the summertime because of prohibitions by the Clean Air Act. And my question was, is anybody up there talking about how that, I think, probably negatively, impacts us here if we're going to try to respond to this problem? If we can't do a fire at the right time for the growth that's there-- I mean, isn't it better-- I mean, it sounds to me like it's sometimes better to burn a tree in the summertime than it is later on.

Is anybody talking about the Clean Air Act and loosening up or moving those regulations around to allow us to do what's important for the forest, to try to tip that balance, maybe a little bit -- I mean -- is this thing on -- clean air -- I mean, clean air is very important, but-- Is anybody talking about that?

MR. BROOKS: I'm certain they are. I'm certain those types of discussion and dialogue are happening, although I'm -- and I can't list them for you, specifically, here.

ASSEMBLYMAN CONAWAY: Okay. Thanks.

MR. BROOKS: It is a major concern -- major balancing act.

MR. LIEPE: I would also like to comment on that. As I handle the six southern counties, when our people are out doing prescribed burns, during the time frame that we can do it, there's maybe 15 to 20 days in a year that we can prescribe burn, from November until March 15, because of weather, as far as rain fall, high winds, or whatever. We try to only do it at the perfect prescription so that it, number one, doesn't get away; number two, so that we can provide a good burn and make it worthwhile.

But, as we're doing these, each time we do a burn, in my office, I'll probably see 10 to 20 calls of complaints, because as the smoke goes up

somewhere, it comes down somewhere else. And even though I'm 100 percent for prescribed burning, all this has to be weighed into our decision. Not everybody is in agreement with it. And the smoke and ashes could go miles before they drop down onto some other location.

ASSEMBLYMAN SMITH: It's much less expensive that way, isn't it, than mechanical removal?

MR. LIEPE: Prescribed burning is much, much less expensive and is a valuable tool that needs to be enhanced.

ASSEMBLYMAN SMITH: Right.

MR. BROOKS: Mr. Chairman, just another comment, if I could.

ASSEMBLYMAN SMITH: Sure.

MR. BROOKS: I think these public hearings are a tremendous opportunity, and I would encourage more in the future. But I would also encourage reaching out to a broader audience. More or less, we were primarily the choir here, in a way. There are many stakeholders that are involved in this urban-interface issue, if you will -- the management of our forest, etc. I would like to see or encourage the county planners, and the tax assessors, and the construction industry, landscape architects, attorneys, county planners be a part of this mix, because they will be critical to the ultimate success here.

ASSEMBLYMAN SMITH: Sure. That's a good point.

Thank you very much.

I think that's it. That's all I have signed up to testify.

Was there anybody here that wanted to weigh in?

DR. DeVITO: I handed in--

ASSEMBLYMAN SMITH: You have to step up.

DR. DeVITO: --a piece of paper for Joe Arsenault.

ASSEMBLYMAN SMITH: Yes, I didn't call him, because I saw that you were speaking on his behalf.

DR. DeVITO: I think rather than read this-- This is written comment from Joe Arsenault. He's on the Pinelands Forest Advisory Committee, and he's also a Franklin Township and Gloucester County resident. He's on the environmental commission. He's one of the most knowledgeable forest botanists and ecologists in the Pine Barrens.

I'll just hand in his testimony.

ASSEMBLYMAN SMITH: That's great.

DR. DeVITO: The one point that I'd like to highlight-- He talks about his participation on the Pinelands Forest Advisory Committee, how they get to review the burn plans. And he says that the Forest Advisory Committee has been informed and has watched fire management and forest management on all public lands under the Pinelands Commission's jurisdiction. In his 10-year tenure on the Committee, he has reviewed proposals that included fire as a component of forest management; and from his involvement, he's seen conflicts between competing management strategies. And these competing interests highlight the need for an ecosystem-wide landscape management plan for all the State lands.

So I think he, similarly to many of the other people here today, thinks that controlled burning is an important tool. And he'd just like to see some important new approaches and changes. So, that's it.

ASSEMBLYMAN SMITH: Okay. Great.

DR. DeVITO: Otherwise, I'll hand it in.

ASSEMBLYMAN SMITH: All right. I think we're going to wrap up here. I appreciate everybody coming out.

There are some drinks and maybe some refreshments. I'm not sure what's out there. But if you want to stop into the fire station here, I believe the system chief--

UNIDENTIFIED SPEAKER FROM AUDIENCE: There's some doughnuts and whatnot.

ASSEMBLYMAN SMITH: Thank you for coming out. I appreciate it.

UNIDENTIFIED SPEAKER FROM AUDIENCE: We also have some displays out.

ASSEMBLYMAN SMITH: Okay. There's also displays out.

**(HEARING CONCLUDED)**