



**New Jersey Chapter
The Wildlife Society**

<http://wildlife.org/new-jersey/>



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January 4, 2019

The Honorable Christopher Bateman
36 East Main St.
Somerville, NJ 08876

RE: Proposed Environmental Rights Amendment to the New Jersey State Constitution

Dear Mr. Bateman:

The New Jersey Chapter of The Wildlife Society (NJTWS) wanted to take the opportunity to voice our opposition to the recently proposed legislation, SCR-134/ACR-85, which would designate the State of NJ trustee of public natural resources and guarantee to the people other environmental rights.

NJTWS undoubtedly favors the intent to provide a healthy environment for New Jersey citizens, since such goals would also benefit wildlife that our organization so strongly supports. However, NJTWS opposes the bill in its current form and finds the language to be lacking in clear definition and open to broad interpretation. For example, section (b) of the amendment identifies “flora” as common property, meaning trees existing on an individual’s private property or crops in a farmer’s field would be classified as common property of New Jersey citizens, which raises substantial litigation concerns.

Additionally, certain management efforts could be interpreted and perceived by some as “damaging” or “depleting” and if imposed, risks implementation of science-based management practices and threatens necessary protection of New Jersey’s wildlife and habitat. NJTWS also expresses further concern with the use of “preservation” within the proposed legislation, since by definition the term precludes natural resource management efforts.

The Wildlife Society (TWS), founded in 1937, is an international non-profit scientific and educational association dedicated to excellence in wildlife stewardship through science and education. Our mission is to enhance the ability of wildlife professionals to conserve diversity, sustain productivity, and ensure responsible use of wildlife resources for the benefit of society. The Wildlife Society encourages professional growth through [certification](#), peer-review [publications](#), [conferences](#), and [working groups](#).

The Public Trust Doctrine (The Doctrine) is identified as the foundation to the North American Model of Wildlife Conservation which has shaped natural resource law, policy, and scientific research for over the past two hundred years and has consequently led to various achievements in protecting and sustaining wildlife populations. NJTWS acknowledges mention of The Doctrine within section (c) of the proposed amendment and recognizes The Doctrine alone to establish sufficient authority and legal protection, rendering moot the need for an amendment. However, if a decision is made to move forward with an amendment, NJTWS urges similar language be adopted by New Jersey policymakers so that wildlife and associated management practices are not at risk by current underpinnings of the proposed legislation. With reference to The Doctrine, NJTWS recommends the following language to refine the current amendment:

*(a) Every person has a right to a clean and healthy environment, including pure water, clean air, and ecologically healthy habitats, and to the **proliferation** of the natural, scenic, historic, and esthetic qualities of the environment. The State shall not infringe upon these rights, by action or inaction.*

(b) The State's public natural resources, among them its waters, air, and climate, are the common property of all the people, including both present and future generations. The State shall serve as trustee of these resources, and shall conserve and maintain them for the benefit of all people.

*(c) **To ensure the permanent and continued abundance of New Jersey's natural resources, including its fauna and public lands for both present and future generations. The State shall serve as trustee of these resources, and shall conserve, manage, and maintain them for the benefit of all people.***

(d) This paragraph and the rights stated herein are (1) self-executing, and (2) shall be in addition to any rights conferred by the public trust doctrine or common law.

Despite being the nation's most densely populated state, New Jersey has considerable wildlife diversity, supporting over 300 species of birds, 90 species of mammals, and 70 species of reptiles and amphibians. Natural resource managers and biologists from federal, state and non-profit organizations are tasked with providing suitable habitat and sustaining healthy populations for a suite of wildlife species across the state. Maintaining biodiversity of New Jersey's fauna and flora requires the intervention of various management practices. While certain habitat management efforts may entail planting a meadow, protecting a forest, or restoring wetland, it is equally important to recognize management practices may also prescribe mowing, endorse timber cutting, or recommend herbicide treatments. The latter examples may be perceived by some interest groups as 'destroying' natural resources, when in actuality, serve as techniques to mimic natural processes or restore natural balance to meet habitat objectives. For example, American woodcock and Golden-winged warbler are two migratory species experiencing population declines due to a loss of early successional habitat in New Jersey. Early successional habitat consists of shrubby thickets and young sapling trees, which is often created through

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mowing, burning, or cutting trees. This is considered a form of disturbance ecology and serves as a management strategy to remedy forest stand age disparities, create habitat benefiting young and old-growth dependent wildlife, and promote biodiversity.

Similar to habitat management, predator management serves as another critical tool employed by wildlife biologists to protect wildlife populations and ecosystem integrity. In New Jersey, predator management efforts aid in the protection of the federally threatened piping plover. Depredation is the leading cause of nest failure in New Jersey's nesting plovers and can largely be attributed to land use change and development that has furnished predator encroachment into nesting piping plover habitat. Additionally, for some game species such as the white-tailed deer and American black bear, implementation of regulated hunting seasons functions as an effective management tool to maintain ecological balance, sustain healthy wildlife populations and address wildlife-human conflicts.

The New Jersey Chapter of the Wildlife Society strongly urges reconsideration of such pieces of legislation that can serve as barriers to wildlife and habitat management practices.

Sincerely,



Elizabeth Ciuzio Freiday, CWB[®]
President
New Jersey Chapter of The Wildlife Society