

ASSEMBLY, No. 1775

STATE OF NEW JERSEY 216th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

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SYNOPSIS

Establishes forest stewardship program for State-owned lands.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning forest stewardship on certain State-owned
2 lands, and supplementing P.L.1983, c.324 (C.13:1L-1 et seq.).

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. This act shall be known and may be cited as the "New Jersey
8 Healthy Forests Act."

9

10 2. a. The Legislature finds and declares that forest lands are
11 critical to the environmental welfare of the State, provide natural
12 habitats for wildlife and plants, including threatened and
13 endangered species, help clean and refresh the air by filtering dust
14 and particulates, help to moderate climate change by absorbing
15 carbon dioxide and releasing oxygen, and help clean and protect the
16 waters of New Jersey, promote replenishment of aquifers, and
17 stabilize soils.

18 b. The Legislature also finds and declares that forest lands are
19 an irreplaceable component of the environment and worthy of
20 conservation and stewardship; that forest lands must be managed in
21 a manner that guarantees sustained and improved forest benefits;
22 and that the State's forest lands are now seldom managed
23 effectively due to a lack of resources.

24 c. The Legislature further finds and declares that forest lands
25 are complex ecosystems; that, historically, natural disturbances,
26 such as large-scale fires, served to restart forest growth and allow
27 the emergence of early successional forests, open space and grassy
28 areas necessary for certain wildlife species; that allowing such
29 large-scale fires or other natural disturbances to occur near existing
30 homes and other development today would be detrimental to the
31 citizens of New Jersey; and that management techniques that
32 attempt to mimic such forest changing events in a controlled and
33 sustainable manner are necessary to ensure the continued health and
34 biodiversity of New Jersey's forests.

35 d. The Legislature further finds and declares that development
36 and alteration of habitats in the State ultimately leads to the loss of
37 species, vegetative communities and natural ecosystems that
38 contribute immeasurably to the quality of life of the people of the
39 State, that designating lands to the natural areas system provides
40 additional protections to unique environments, and that additional
41 State lands should be considered for such designation and
42 protection.

43 e. The Legislature further finds and declares that active
44 stewardship will enhance and sustain the long-term health of forest
45 resources and all the corresponding ecological and economic
46 benefits, including but not limited to stormwater filtration and
47 replenishment of water supply, removal of air pollutants,

1 moderation of air temperatures, protection of threatened and
2 endangered species, and promotion of recreation and tourism.

3 f. The Legislature further finds and declares that removal of
4 trees may be prescribed as a sustainable stewardship practice to
5 promote the vigor of remaining trees, establish a balance of mature
6 and young forest areas to accommodate the State's diverse wildlife,
7 remove invasive species, reduce fuel load for wildfire deterrence,
8 prevent the spread of disease and infestations, and clear hazardous
9 trees for public safety.

10 g. The Legislature further finds and declares that it would be
11 beneficial to foster sustainable stewardship practices to promote
12 healthier forests, improved forest growth, and a reduction of
13 catastrophic fire risk; that, presently, reducing fire hazards and
14 thinning forests is expensive, and that it is in the public interest to
15 explore ways to create an economic market for forest products.

16 h. The Legislature therefore determines that it is in the public
17 interest to establish a program for the responsible stewardship of the
18 forests on State-owned lands to promote the long-term health and
19 vigor of the State's forest resources, in order to preserve and
20 enhance those resources, and realize the recreational and aesthetic
21 benefits, the preservation of habitat for the diverse native plants and
22 animals and for threatened and endangered species, the reduction of
23 the risks of uncontrolled fire, the maintenance of water quality, and
24 the overall environmental benefits thereof.

25
26 3. a. The Department of Environmental Protection shall
27 develop a program to provide for the active stewardship of forests
28 on State-owned lands. Under the program, the stewardship of State-
29 owned forested lands shall be directed by the State Forester in
30 accordance with a forest stewardship plan adopted pursuant to
31 subsection b. of this section that provides for sustainable forest
32 stewardship activities to preserve forest resources and enhance the
33 benefits provided by the forest.

34 b. The department shall:

35 (1) identify State-owned forested lands for which a forest
36 stewardship plan has not been developed;

37 (2) establish a priority order for the development of forest
38 stewardship plans for State-owned forested lands;

39 (3) establish a procedure for the development, review, and
40 adoption of forest stewardship plans that conforms to the standards
41 adopted by the independent, not-for-profit Forest Stewardship
42 Council;

43 (4) develop and adopt forest stewardship plans for State-owned
44 forested lands in the priority order identified;

45 (5) seek and obtain the forest management certification from the
46 Forest Stewardship Council for each forest stewardship plan
47 developed;

- 1 (6) provide for the audit of the implementation of forest
2 stewardship plans by a Forest Stewardship Council certification
3 body to obtain Forest Stewardship Council certification;
 - 4 (7) ensure that the program's highest priorities are the
5 conservation of the forests, protection of biological diversity,
6 improvement of the health and vigor of the forest ecosystem,
7 protection of forest soils and their fertility and biological activity,
8 and maintenance of water resources and watersheds;
 - 9 (8) consider carbon sequestration, reduction of wildfire hazards,
10 and public uses of the forest land, including recreational uses, in the
11 development of forest stewardship plans;
 - 12 (9) establish standards for the use of prescribed burns as a
13 resource protection and forest stewardship technique where
14 appropriate; and
 - 15 (10) ensure that all forest stewardship plans for State-owned
16 forested lands conform to the criteria set forth in subsection c. of
17 this section.
- 18 c. A forest stewardship plan for State-owned forested lands
19 adopted by the department pursuant to this section shall, at a
20 minimum:
- 21 (1) be consistent with the rules and regulations adopted pursuant
22 to section 8 of P.L.2009, c.256 (C.13:1L-36);
 - 23 (2) conform to standards adopted by the Forest Stewardship
24 Council existing at the time a forest stewardship plan is developed;
 - 25 (3) maintain ecological functions and the integrity of the forest;
 - 26 (4) ensure that economic determinations concerning forest
27 stewardship take into account the full environmental, social, and
28 operational costs;
 - 29 (5) select species, with a preference for native species, for
30 planting based on their overall suitability for the objectives of the
31 stewardship of the forest and for the specific site;
 - 32 (6) protect threatened and endangered species and their habitats,
33 rare species, and unique and fragile ecosystems and landscapes;
 - 34 (7) protect sites of special cultural, ecological, economic, or
35 religious significance;
 - 36 (8) prevent and minimize outbreaks of pests and diseases
37 through integrated pest management that avoids or minimizes use of
38 environmentally detrimental chemicals;
 - 39 (9) specify the methods to be used to implement the forest
40 stewardship plan; and
 - 41 (10) specify methods used for forest stewardship that represent
42 best management practices, and meet all standards for worker
43 safety.
- 44 d. Any forest stewardship activities performed on State-owned
45 lands pursuant to a forest stewardship plan shall:

- 1 (1) use methods and techniques that preserve the sustainability
2 of the forest resource and avoid or minimize damage to other forest
3 resources; and
- 4 (2) be performed using staging areas for machinery and
5 equipment, or for temporary wood storage, to the maximum extent
6 possible, in existing clearings, fields, or areas close to already
7 paved roads.
- 8 e. Harvesting shall not be conducted in State natural areas
9 administered by the department pursuant to section 2 of P.L.1966,
10 c.54 (C.13:1B-15.101), lands held by the New Jersey Natural Lands
11 Trust created pursuant to P.L.1968, c.425 (C.13:1B-15.119), or
12 sensitive ecological areas, unless the department finds, in writing,
13 that there will be a net environmental benefit on the site from the
14 forest harvesting activities.
- 15 f. The department shall consider designating and including
16 additional State-owned forested lands in the natural areas system
17 pursuant to the "Natural Areas System Act," P.L.1975, c.363
18 (C.13:1B-15.12a et seq.).
- 19 g. Nothing in this act shall limit the department's authority to
20 manage State parks and forests pursuant to P.L.1983, c.324
21 (C.13:1L-1 et seq.).
22
- 23 4. a. The State Forester shall:
- 24 (1) implement forest stewardship plans on State-owned lands in
25 accordance with the standards and criteria set forth in this act and
26 by the Forest Stewardship Council;
- 27 (2) establish standards for implementation of forest stewardship
28 plans on State-owned lands that:
- 29 (a) ensure that the rate of harvest does not exceed sustainable
30 levels;
- 31 (b) minimize waste associated with harvesting; and
- 32 (c) provide for acceptable transportation methods for timber,
33 wood and other forest products for ultimate sale;
- 34 (3) identify strategies for the development of an economic
35 market for forest products, and develop information on the
36 marketing of harvested wood;
- 37 (4) ensure that all required permits and approvals are obtained
38 for any forest stewardship activities conducted pursuant to a forest
39 stewardship plan adopted for State-owned lands;
- 40 (5) ensure that the implementation of forest stewardship plans
41 on State-owned lands located in the Highlands Region is consistent
42 with the provisions of the "Highlands Water Protection and
43 Planning Act," P.L.2004, c.120 (C.13:20-1 et al.);
- 44 (6) ensure that in the pinelands area as defined in section 10 of
45 P.L.1979, c.111 (C.13:18A-11), all activities conducted pursuant to
46 a forest stewardship plan on State-owned lands comply with all
47 provisions of the "Pinelands Protection Act," P.L.1979, c.111

1 (C.13:18A-1 et seq.) and the comprehensive management plan
2 adopted pursuant thereto.

3 b. The State Forester may provide for a project manager to
4 supervise implementation of an adopted forest stewardship plan,
5 after public advertisements for bids therefor.

6 c. The State Forester shall investigate the availability of, and
7 apply for, funds from the federal government, or any private or
8 public source, to finance any costs of the program.

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10 5. a. All revenues from forestry activities in excess of the costs
11 of development and implementation of any forest stewardship plan
12 implemented on wildlife management areas administered by the
13 Division of Fish and Wildlife in the Department of Environmental
14 Protection shall be deposited in the "hunters' and anglers' license
15 fund" established pursuant to the provisions of R.S.23:3-11 and
16 R.S.23:3-12 to be used for the purposes prescribed for monies in
17 that fund.

18 b. All revenues derived from forestry activities on all other
19 State-owned lands shall be deposited into a dedicated, nonlapsing
20 special account within the Department of Environmental Protection.
21 Moneys in the special account shall be used by the department to
22 cover the reasonable costs of implementing the program. Any
23 remaining revenues shall be used for restoration projects to increase
24 biodiversity, or to enhance habitat for rare, threatened or
25 endangered flora or fauna, in State parks and forests, or in State
26 wildlife management areas. Interest earnings and any return on
27 investment of moneys deposited in the account shall be credited to
28 the account.

29
30 6. The State Forester shall biennially prepare a written report
31 concerning the program, which shall be submitted to the
32 Commissioner of Environmental Protection, the Governor, the
33 Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1),
34 and the Chairpersons of the Senate Environment and Energy
35 Committee and the Assembly Environment and Solid Waste
36 Committee, or their successor committees. The report shall include
37 but need not be limited to an explanation of the process developed
38 for the adoption of forest stewardship plans, a list of the forest
39 stewardship plans adopted, a description of the locations of the
40 forest stewardship activities performed pursuant to the plans,
41 ecological goals for each area on which forest stewardship activities
42 have occurred, any forest regeneration procedures employed, cost
43 effectiveness of the stewardship techniques used, environmental
44 problems encountered in the program, the costs of the program, and
45 any other information the State Forester deems appropriate.

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47 7. This act shall take effect immediately.

STATEMENT

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The bill directs the Department of Environmental Protection (DEP) to develop a program to provide for the stewardship of forests on State-owned lands. The bill directs DEP to identify State-owned forested lands for which a forest stewardship plan has not been developed and establish a priority order for the development of those plans. The bill further directs DEP to develop, review, and adopt forest stewardship plans in the priority order established. The bill requires the development, adoption, and implementation of forest stewardship plans to meet the standards adopted for forest stewardship plans by the independent not-for-profit Forest Stewardship Council. The bill also requires DEP to seek and obtain the forest management certification from the Forest Stewardship Council, and to provide for the audit of the implementation of the plans by a Forest Stewardship Council certification body to obtain Forest Stewardship Council certification.

The bill prohibits forest harvesting in State natural areas administered by DEP pursuant to section 2 of P.L.1966, c.54 (C.13:1B-15.101), lands held by the New Jersey Natural Lands Trust created pursuant to P.L.1968, c.425 (C.13:1B-15.119), or sensitive ecological areas, unless DEP finds, in writing, that there will be a net environmental benefit on the site from the forest harvesting activities. Further, the bill requires DEP to consider designating and including additional State-owned forested lands in the natural areas system pursuant to the "Natural Areas System Act," P.L.1975, c.363 (C.13:1B-15.12a et seq.).

The bill directs all revenues from forestry activities in excess of the costs of development and implementation of any forest stewardship plan implemented on wildlife management areas administered by the Division of Fish and Wildlife in the DEP to be deposited in the "hunters' and anglers' license fund" established pursuant to R.S.23:3-11 and R.S.23:3-12, to be used for the purposes prescribed for moneys in that fund. The bill further requires all revenues derived from forestry activities on all other State-owned lands to be deposited into a dedicated, nonlapsing special account within DEP. The bill provides that moneys in the special account are to be used by DEP to cover the reasonable costs of implementing the program. The bill specifies that any remaining revenues are to be used for restoration projects to increase biodiversity, or to enhance habitat for rare, threatened or endangered flora or fauna, in State parks, forests, or wildlife management areas. The bill further provides that interest earnings and any return on investment of moneys deposited in the account must be credited to the account.

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1 The bill requires the State Forester to biennially prepare a written
2 report concerning the program, to be submitted to the
3 Commissioner of Environmental Protection, the Governor, the
4 Legislature, and the Chairpersons of the Senate Environment and
5 Energy Committee and the Assembly Environment and Solid Waste
6 Committee, or their successor committees. The bill requires the
7 report to include an explanation of the process developed for the
8 adoption of forest stewardship plans, a list of the forest stewardship
9 plans adopted, a description of the locations of the forest
10 stewardship activities performed pursuant to the plans, ecological
11 goals for each area on which forest stewardship activities have
12 occurred, any forest regeneration procedures employed, cost
13 effectiveness of the stewardship techniques used, environmental
14 problems encountered in the program, the costs of the program, and
15 any other information the State Forester deems appropriate.