

SENATE, No. 768

STATE OF NEW JERSEY 217th LEGISLATURE

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Sponsored by:

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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 a forest management certification from the
46 Forest Stewardship Council for each forest stewardship plan
47 developed, which may be disapproved by the commissioner
48 pursuant to subsection h. of this section;

- 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:
- 46 (1) use methods and techniques that preserve the sustainability
47 of the forest resource and avoid or minimize damage to other forest
48 resources; and

1 (2) be performed using staging areas for machinery and
2 equipment, or for temporary wood storage, to the maximum extent
3 possible, in existing clearings, fields, or areas close to already
4 paved roads.

5 e. Harvesting shall not be conducted in State natural areas
6 administered by the department pursuant to section 2 of P.L.1966,
7 c.54 (C.13:1B-15.101), lands held by the New Jersey Natural Lands
8 Trust created pursuant to P.L.1968, c.425 (C.13:1B-15.119), or
9 sensitive ecological areas, unless the department finds, in writing,
10 that there will be a net environmental benefit on the site from the
11 forest harvesting activities.

12 f. The department shall consider designating and including
13 additional State-owned forested lands in the natural areas system
14 pursuant to the "Natural Areas System Act," P.L.1975, c.363
15 (C.13:1B-15.12a et seq.).

16 g. Nothing in this act shall limit the department's authority to
17 manage State parks and forests pursuant to P.L.1983, c.324
18 (C.13:1L-1 et seq.).

19 h. The commissioner shall have the authority to disapprove any
20 forest stewardship plan that has received forest management
21 certification from the Forest Stewardship Council upon a finding
22 that implementation of the forest stewardship plan is not in the best
23 interests of the State.

24

25 4. a. The State Forester shall:

26 (1) implement forest stewardship plans on State-owned lands in
27 accordance with the standards and criteria set forth in this act and
28 by the Forest Stewardship Council;

29 (2) establish standards for implementation of forest stewardship
30 plans on State-owned lands that:

31 (a) ensure that the rate of harvest does not exceed sustainable
32 levels;

33 (b) minimize waste associated with harvesting; and

34 (c) provide for acceptable transportation methods for timber,
35 wood and other forest products for ultimate sale;

36 (3) identify strategies for the development of an economic
37 market for forest products, and develop information on the
38 marketing of harvested wood;

39 (4) ensure that all required permits and approvals are obtained
40 for any forest stewardship activities conducted pursuant to a forest
41 stewardship plan adopted for State-owned lands;

42 (5) ensure that the implementation of forest stewardship plans
43 on State-owned lands located in the Highlands Region is consistent
44 with the provisions of the "Highlands Water Protection and
45 Planning Act," P.L.2004, c.120 (C.13:20-1 et al.);

46 (6) ensure that in the pinelands area as defined in section 10 of
47 P..1979, c.111 (C.13:18A-11), all activities conducted pursuant to a
48 forest stewardship plan on State-owned lands comply with all

1 provisions of the "Pinelands Protection Act," P.L.1979, c.111
2 (C.13:18A-1 et seq.) and the comprehensive management plan
3 adopted pursuant thereto.

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

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

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

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

30

31 6. The State Forester shall biennially prepare a written report
32 concerning the program, which shall be submitted to the
33 Commissioner of Environmental Protection, the Governor, the
34 Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1),
35 and the Chairpersons of the Senate Environment and Energy
36 Committee and the Assembly Environment and Solid Waste
37 Committee, or their successor committees. The report shall include
38 but need not be limited to an explanation of the process developed
39 for the adoption of forest stewardship plans, a list of the forest
40 stewardship plans adopted, a description of the locations of the
41 forest stewardship activities performed pursuant to the plans,
42 ecological goals for each area on which forest stewardship activities
43 have occurred, any forest regeneration procedures employed, cost
44 effectiveness of the stewardship techniques used, environmental
45 problems encountered in the program, the costs of the program, a
46 list of all forest stewardship plans disapproved by the commissioner
47 pursuant to subsection h. of section 3 of this act, together with the
48 reasons for the finding that the implementation of each such

1 disapproved forest stewardship plan is not in the best interests of
2 the State, and any other information the State Forester deems
3 appropriate.

4

5 7. This act shall take effect immediately.

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STATEMENT

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

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

36 The bill directs all revenues from forestry activities in excess of
37 the costs of development and implementation of any forest
38 stewardship plan implemented on wildlife management areas
39 administered by the Division of Fish and Wildlife in the DEP to be
40 deposited in the "hunters' and anglers' license fund" established
41 pursuant to R.S.23:3-11 and R.S.23:3-12, to be used for the
42 purposes prescribed for moneys in that fund. The bill further
43 requires all revenues derived from forestry activities on all other
44 State-owned lands to be deposited into a dedicated, nonlapsing
45 special account within DEP. The bill provides that moneys in the
46 special account are to be used by DEP to cover the reasonable costs
47 of implementing the program. The bill specifies that any remaining
48 revenues are to be used for restoration projects to increase

1 biodiversity, or to enhance habitat for rare, threatened or
2 endangered flora or fauna, in State parks, forests, or wildlife
3 management areas. The bill further provides that interest earnings
4 and any return on investment of moneys deposited in the account
5 must be credited to the account.

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

21 This bill would authorize the Commissioner of Environmental
22 Protection to disapprove any forest stewardship plan that has
23 received forest management certification from the Forest
24 Stewardship Council upon a finding that implementation of the
25 forest stewardship plan is not in the best interests of the State. The
26 bill would also require that the State Forester, in the biennial report
27 submitted to the Governor and Legislature on the program required
28 by the bill, provide information about any forest stewardship plan
29 so disapproved, and the reasons for the commissioner's findings.