ASSEMBLY, No. 4506

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED AUGUST 10, 2020

Sponsored by:
Assemblyman ROBERT J. KARABINCHAK
District 18 (Middlesex)

SYNOPSIS

Requires local school districts engaging in projects resulting in deforestation to submit plan to DEP for no net loss of forested areas.

CURRENT VERSION OF TEXT

As introduced.

AN ACT requiring local school districts to submit plans for no net loss of forested areas and amending P.L.1993, c.106.

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

1. Section 1 of P.L.1993, c.106 (C.13:1L-14.1) is amended to read as follows:

1. As used in this act:

"Division" means the Division of Parks and Forestry in the Department of Environmental Protection.

"State entity" means a department, agency, or office of State government, including a State university or college, or an authority created by the State.

"School district" means a local school district, established pursuant to N.J.S.18A:1-1, or a regional school district established pursuant to N.J.S.18A:13-2. School districts refer to both public and private school districts established pursuant to N.J.S.18A:1-1.

(cf: P.L.1993, c.106, s.1)

2. Section 2 of P.L.1993, c.106 (C.13:1L-14.2) is amended to read as follows:

2. a. Each State entity, and school district, by July 1, 1993, and at least annually thereafter, shall develop, and submit to the Division of Parks and Forestry in the Department of Environmental Protection, a plan for compensatory reforestation for all areas at least one-half acre in size that are owned or maintained by that State entity, or school district, and are scheduled for deforestation. A reforestation plan required pursuant to this act shall establish a goal of no net loss of existing forested area based upon a reasonable and practical Tree Replacement Factor developed due to the act of deforestation and in accordance with this act. The plan shall be subject to approval of the division after review and comment by the Community Forestry Council established pursuant to section 5 of P.L.1996, c.135 (C.13:1L-17.5). No project that would deforest land at least one-half acre in size that is owned or maintained by a State entity, or school district, may be commenced without approval of that State entity's, or school district's, plan by the division.

A reforestation plan shall provide that, if tree planting adjacent to the deforested area is not feasible, it shall be conducted in the following order: within the municipality in which the deforestation occurred, within five miles of the site of deforestation, or off-site.

b. A reforestation plan developed pursuant to this section shall include appropriate and approved methods for the planting, protection, care and management of trees and other related natural

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

resources. With the advice and assistance of the Community Forestry Council, the division shall develop and make available to State entities, and school districts, a list of guideline elements that shall be required in a reforestation plan. These guidelines shall establish but not limit the basic framework of an approved reforestation plan.

A reforestation plan developed pursuant to this section shall provide that:

(1) if the division determines that it is not feasible to conduct the tree planting efforts on-site, then the tree planting shall be conducted first on State property within the municipality in which the deforestation occurred or municipal property within the municipality in which the deforestation occurred. Municipal property may include property owned or maintained by that community including but not limited to parks, streets, schools, municipal facilities, and open space and recreation areas;

(2) if the division determines that it is not feasible to conduct the tree planting efforts on-site or within that municipality, then the tree planting shall be conducted within five miles of the site of the deforestation. Sites within five miles of the site of deforestation may include property owned or maintained by the State, county or other municipal entity;

(3) if the division determines that it is not practicable to conduct the tree planting efforts on-site, within the municipality or five miles of the site, then the tree planting shall be conducted off-site by the State entity or school district. Off-site property may include property owned or maintained by a State entity other than the **[**one**]** State entity or school district developing and implementing the plan if the State entity that is to receive the benefits of the off-site tree planting efforts agrees thereto;

(4) the State entity or school district shall use native species when practicable;

(5) the shape or configuration of the reforested area may be substantially similar to the shape or configuration of the deforested area;

(6) the replacement of trees shall be determined by the Tree Replacement Factor and shall be based upon accepted forestry research and practices which show the average tree density within urban areas to be 204 trees per acre of tree cover;

(7) in using the Tree Replacement Factor (TRF) for sites that are deforested the following number of stems shall be calculated for seeding, caliper and whip/container trees:

TRF = 204 (2" - 2 1/2") caliper trees per acre
= 408 whip/container (4' - 6') trees per acre
= 1210 tree seedlings per acre;

(8) the seedlings shall be planted from six to 10 feet apart, or at a distance mutually agreed to by the division and the State entity or school district, and that the seedlings are obtainable from a tree

nursery owned and operated by the State. Subject to availability from a State tree nursery, the seedlings used in reforestation by a State entity or school district pursuant to this act shall be those that are the most suitable for the site; and

(9) the species of caliper nursery grown trees measured at two and one half inches and whips at one and one half inches shall be planted based upon the approved planting plan and subject to the standards established by the American Association of Nurserymen. Trees to be planted shall be selected from those recommended in the publication entitled "Trees for New Jersey Streets" published by the New Jersey Shade Tree Federation and in accordance with the recommended planting specifications. Diversity in species composition shall be required to reduce the risk of widespread loss of trees to single insect and disease infestation and, therefore, similar species shall not exceed 30 percent of the total planting.

c. The State entity or school district shall enter into a memorandum of agreement with the division that guarantees the division reimbursement for actual labor hours attributable to the review and implementation of that State entity's, or school districts', reforestation plan pursuant to this act. If the compensatory reforestation as required by this act cannot be accomplished on the site of the project by the State entity, or school district, the division and the State entity, or school district, may mutually agree within the memorandum of agreement that the State entity, or school district, responsible for the deforestation shall pay an amount equal to the value of the number of trees required as determined by the Tree Replacement Factor and in accordance with an approved plan. This payment shall be deposited in the "Shade Tree and Community Forest Preservation License Plate Fund," established pursuant to section 12 of P.L.1996, c.135 (C.39:3-27.81), and shall be expended for reforestation by the division with the advice of the Community Forestry Council and the approval of the director of the division. The memorandum of agreement shall be part of the State entity's, or school district's, plan for compensatory reforestation.

(cf: P.L.2001, c.10, s.1)

3. This act shall take effect immediately.

STATEMENT

This bill would expand current law to require public and private local and regional school districts to submit a plan for reforestation when an area at least one half acre in size is scheduled for deforestation. The requirement to develop a reforestation plan currently applies to State entities and is commonly called the no net loss compensatory reforestation program. Under the bill, school districts would be required to develop and submit an annual plan for

compensatory reforestation of all areas at least one-half acre in size that are scheduled for deforestation. These compensatory reforestation plans would be required to be approved by the Division of Parks and Forestry in the Department of Environmental Protection prior to the commencement of a deforestation project that will affect more than one-half acre of land. Compensatory reforestation plans provide for the maturity of the forest that is to be deforested to be assessed and for the reforestation plan to provide for comparable tree density based on accepted forestry and research practices, so that there is no net loss of trees across the State as a result of deforestation projects. This effort will help to ensure that trees deforested, as a result of construction projects, are replanted elsewhere