SYNOPSIS
Concerns reforestation of lands by State entities.

CURRENT VERSION OF TEXT
As introduced.
AN ACT concerning reforestation of land, and amending and supplementing P.L.1993, c.106.

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

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

2. a. Each State entity, 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] one-half acre in size that is owned or maintained by that State entity and is 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 [an approximation of at least a one-for-one replacement of trees lost] a reasonable and practical Tree Replacement Formula which was developed due to the act of deforestation [. and]

. The plan shall be subject to approval of the division after review and comment by the New Jersey 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 acre of size that is owned or maintained by a State entity may be commenced without approval of that State entity's plan by the division. A reforestation plan shall provide that, if tree planting adjacent to the deforested area is not feasible, it will 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 subsection a. of this section [ may provide:

(1) that tree planting be conducted off-site by the State entity, if the division determines that it is not practicable to conduct the tree planting efforts on-site. Off-site property may include property owned or maintained by a State entity other than the one developing and implementing the plan if the State entity that is to receive the benefits of the off-site tree planting efforts agrees thereto;

(2) that the State entity plant seedlings to meet the goal of no net loss of forested area, which seedlings shall be planted from six to 10 feet apart, or at a distance mutually agreed to by the division and the State entity; and

(3) for the planting of species of trees or seedlings that are obtainable from a tree nursery owned and operated by the State,

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.
including, but not limited to, such species as white pine, Norway spruce, pitch pine, shortleaf pine, loblolly pine, Virginia pine, oaks, ash, poplar, sweet gum, and black locust. Subject to availability from a State tree nursery, the trees used in reforestation by a State entity pursuant to this act shall be those that are the most suitable for the site shall include appropriate and approved methods for the planting protection, care and management of trees and other related natural resources. With the advice and assistance of the New Jersey Community Forestry Council, the division shall develop and make available to State entities 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 subsection shall provide that:

1. if the division determines it is not feasible to conduct the tree planting efforts on-site, the tree planting 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; and

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 five miles from the site of deforestation may include property owned or maintained by the State, county or other municipal entity; and

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 be conducted off-site by the State entity. Off-site property may include property owned or maintained by a State entity other than the one developing and implementing the plan if the State entity that is to receive the benefits of the off-site tree planting efforts agrees thereto; and

4. the State entity shall use native species when practicable; and

5. the shape of the configuration of the reforested area may be substantially similar to the shape or configuration of the deforested area; and

6. the replacement of trees is determined by the Tree Replacement Factor and based upon the accepted forestry research and practices that show the average tree density within urban areas is 204 trees per acre of tree cover; and

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:
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TRF = 204 (2\" - 2 1/2\") caliper trees per acre

= 408 whip/container (4\' - 6) trees per acre

= 1210 tree seedlings per acre; and

(8) the seedlings shall be planted from six to ten feet apart, or at a distance mutually agreed to by the division and the State entity, 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 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 Nurseryman. 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 is critical to reduce the risk of widespread loss of trees to single insect and disease infestation. Therefore, similar species should not exceed 30 percent of the total planting.

c. If, at the determination of the division, the tree planting is to occur on a site other than one owned or maintained by the State entity, that State entity may provide payment in the amount equal to the trees determined by the Tree Replacement Factor in accordance with an approved plan. This dollar amount shall be deposited in the Shade Tree and Community Forest Preservation License Plate Fund, established pursuant to P.L.1996, c.135 (C.39:3-27.81), and expended for reforestation under the advice of the New Jersey Community Forestry Council and the approval of the division director.

d. The State entity is required to enter into a memorandum of Agreement (MOA) with the division, which guarantees the division reimbursement for actual labor hours attributable to the review and implementation of that State entity's reforestation plan pursuant to this act.

(c.f: P.L.1993, c.106, s.2)

2. (New section) When a State entity owns or maintains land on which an area of at least one-half acre in size is scheduled for deforestation, at least 180 days prior to the deforestation of the area the State entity shall hold at least one public forum within the municipality in which the deforestation is scheduled, or, if the forest area scheduled for deforestation spans more than one municipality, in any one of the municipalities in which deforestation is scheduled, to present its plan for deforestation and its plan for reforestation. The public shall be permitted to present oral and written comments to the State entity within a comment period of 60 days from the date of the...
forum. No more than 60 days after the comment period has closed, the State entity shall provide written responses to the comments presented.

When a public process is already required by any other State or federal law, or any rule or regulation adopted pursuant thereto, for a project that includes forested land scheduled for deforestation, the State entity need not conduct a separate forum to comply with the provisions of this section provided that the forum requirements established herein are also met at the public forum or hearing conducted pursuant to any other State or federal law. The State entity must clearly advise the public by way of an agenda concerning the reforestation plan. Copies of written responses to the public comments shall be provided by the State entity to the division at the close of the comment period.

3. Section 3 of P.L.1993, c.106 (C.13:1L-14.3) is amended to read as follows:

3. The requirements of this act shall not apply to activities that are deemed by the division to constitute standard forestry, wildlife management, or arboricultural practices.

(cf: P.L.1993, c.106, s.3)

4. This act shall take effect immediately, but shall not apply to capital construction projects that are scheduled to be advertised for bid by a State entity within one year of the date of enactment.

STATEMENT

This bill would amend and supplement current law concerning the reforestation of land that is owned or maintained by a State entity. Current law requires that every State entity have in place a plan for compensatory reforestation for all areas at least one acre in size scheduled for deforestation that are owned or maintained by a State entity. This bill would require a plan when the area scheduled for deforestation is one-half acre in size, and would provide that the plan be subject to the approval of the Department of Environmental Protection's Division of Parks and Forestry (division) after review and comment by the New Jersey Community Forestry Council.

This bill would provide that the division develop, with the advise and assistance of the New Jersey Community Forestry Council, a list of guidelines elements for reforestation plans. The bill would also establish specific guidelines for reforestation plans. Also, the bill would require that when areas of at least one-half acre in size are scheduled for deforestation, the State entity would conduct a public forum at least 180 days prior to the reforestation to presents
its plans for deforestation and reforestation. The bill would provide
the opportunity for public comment and require the State entity to
provide written responses to public comments received.
Lastly, the bill would take effective immediately but would not
apply to capital construction projects scheduled to be advertised for
bid by a State entity within one year of the date of enactment.