

# SENATE, No. 1085

## STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED JANUARY 17, 2012

**Sponsored by:**

**Senator BOB SMITH**

**District 17 (Middlesex and Somerset)**

**Senator DONALD NORCROSS**

**District 5 (Camden and Gloucester)**

**Co-Sponsored by:**

**Senator Oroho**

**SYNOPSIS**

Establishes forest harvest program on State-owned land.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 2/14/2012)

1 AN ACT concerning forest harvest programs, supplementing  
2 P.L.1983, c.324 (C.13:1L-1 et seq.) and amending P.L.1968, c.49  
3 and P.L.1975, c.176.

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

7  
8 1. (New section) a. The Legislature finds and declares that  
9 forest lands: are critical to the environmental welfare of the State;  
10 provide natural habitats for wildlife, including threatened and  
11 endangered species; help clean and refresh the air by filtering dust  
12 and particulates; absorb carbon dioxide and release oxygen, helping  
13 to moderate climate change; and help clean and protect the waters  
14 of New Jersey, promote replenishment of aquifers, and stabilize  
15 soils.

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

23 c. The Legislature further finds and declares that forest lands  
24 consist of a complex ecology; that, historically, natural  
25 disturbances, such as large-scale fires occurring every 50 to 60  
26 years, served to restart forest growth and allow the emergence of  
27 early successional forests, open space and grassy areas necessary  
28 for certain wildlife species; that allowing such large-scale fires or  
29 other natural disturbances to occur near existing homes and other  
30 development today would be detrimental to the citizens of New  
31 Jersey; and that management techniques that attempt to mimic such  
32 forest changing events in a controlled and sustainable manner are  
33 necessary to ensure the continued health and biodiversity of New  
34 Jersey's forests.

35 d. The Legislature further finds and declares that it would be  
36 beneficial to foster sustainable management practices through the  
37 support of a market for low-grade wood; that such a market would  
38 encourage sustainable silvicultural practices, resulting in healthier  
39 forests, improved forest growth, and a reduction of catastrophic fire  
40 risk; that, presently, reducing fire hazards and thinning forests is  
41 expensive, because there exists no viable economic market for  
42 forest products resulting therefrom to pay for the processes; and that  
43 the creation of such a market would ensure a balance of mature and  
44 young forest areas necessary to accommodate the State's diverse  
45 wildlife and the lifestyle that has developed in the region.

**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.**

1 e. The Legislature further finds and declares that it is in the  
2 public interest to explore ways to create an economic market for  
3 forest products; that such products may serve as renewable biomass,  
4 which may be used to produce energy; and that such renewable  
5 sources of energy could reduce the use of coal and other fossil  
6 fuels, thereby reducing carbon emissions.

7 f. The Legislature further finds and declares that thinning the  
8 forests in State-owned lands would provide much needed revenue to  
9 manage State-owned forested lands; that the establishment of a  
10 viable market for such products would create “green” jobs for the  
11 citizens of New Jersey and produce new revenue streams for the  
12 State; and that such a market may provide the support necessary to  
13 encourage responsible and sustainable forest stewardship  
14 throughout the State.

15

16 2. (New section) a. The Department of Environmental  
17 Protection shall develop a forest harvest program to provide for the  
18 harvest of forest products on State-owned lands, excluding State-  
19 owned lands in the Pinelands area, for which a forest stewardship  
20 plan has been developed. The program shall allow forest  
21 management activities on State-owned lands identified by the  
22 department.

23 In developing the program, the department shall:

24 (1) identify State-owned lands for which a forest stewardship  
25 plan has been developed that are eligible for the harvesting of forest  
26 products;

27 (2) ensure that forest harvesting activities conform to any laws,  
28 rules and regulations regarding forest management activities;

29 (3) ensure that forest harvesting activities are conducted in  
30 accordance with the forest stewardship plan developed for the area;

31 (4) ensure that forest harvesting activities are not conducted in  
32 Natural Heritage Priority Sites, natural areas, or sensitive ecological  
33 areas unless the department determines that the site would benefit  
34 from forest harvesting activities;

35 (5) require that forest harvesting activities in the preservation  
36 area of the Highlands Region as defined in section 3 of P.L.2004,  
37 c.120 (C.13:20-3) comply with all provisions of the “Highlands  
38 Water Protection and Planning Act,” P.L.2004, c.120 (C.13:20-1 et  
39 al.);

40 (6) require that any staging area for equipment, machinery, or  
41 removal of logs be located, to the maximum extent practicable, in  
42 existing clearings, fields, or areas close to existing paved roads;

43 (7) require that all forest harvesting activities be conducted in  
44 accordance with forestry best management practices and the New  
45 Jersey Forestry and Wetlands Best Management Practices Manual  
46 issued by the Department of Environmental Protection;

47 (8) establish standards for the program for the cutting and sale  
48 of wood; and

1 (9) authorize a combination of harvesting techniques.  
2 b. The commissioner shall select a project manager to  
3 implement and supervise the program after public advertisements  
4 for bids therefor. A contract shall be awarded to that responsible  
5 bidder whose bid, conforming to the invitation for bids, is most  
6 advantageous to the State. In awarding a contract, the  
7 commissioner shall consider the price, the ability to manage the  
8 duties required of the project manager pursuant to this section , and  
9 other appropriate factors. The duration of a contract shall be five  
10 years.  
11 c. The duties of the project manager shall include:  
12 (1) adopting a management plan, developed through a public  
13 process including a public notice, hearing, and comment period,  
14 consistent with the provisions of the forest stewardship plans for the  
15 State-owned lands identified by the commissioner pursuant to  
16 subsection a. of this section;  
17 (2) providing for the cutting and sale of wood;  
18 (3) obtaining the best price for the harvested wood;  
19 (4) obtaining all permits and approvals necessary to engage in  
20 forestry activities;  
21 (5) assuring that activities concerning the implementation of the  
22 forest stewardship plans on State-owned lands are consistent with  
23 the rules and regulations adopted pursuant to P.L.2009, c.256  
24 (C.13:1L-29 et seq.); and  
25 (6) developing a strategy for the creation of a viable economic  
26 market for forest products, including, but not limited to, the  
27 processing of forest products into wood pellets or other forms  
28 useful in producing alternative energy.  
29 d. The department shall investigate the availability of, and  
30 apply for, funds from the federal government, or any private or  
31 public source, to finance any costs of the program.  
32 e. All revenues for the program shall be deposited into a  
33 dedicated, nonlapsing special account within the Department of  
34 Environmental Protection. Moneys in the account shall be used by  
35 the department to cover the reasonable costs of implementing the  
36 program. Any remaining revenues shall be deposited into a  
37 dedicated nonlapsing special account in the New Jersey Natural  
38 Lands Trust, to be used only for restoration projects to increase  
39 biodiversity, or to enhance habitat for rare, threatened or  
40 endangered flora or fauna, on lands held or managed by the New  
41 Jersey Natural Lands Trust, in State parks and forests, or in State  
42 wildlife management areas. Interest earnings and any return on  
43 investment of moneys deposited in the account shall be credited to  
44 the account. Moneys in the account may be disbursed by the trust  
45 for projects upon written request by the forest stewardship advisory  
46 committee established pursuant to section 8 of P.L.2009, c.256  
47 (C.13:1L-36).

1 f. The project manager shall annually prepare a written report  
2 concerning the program, which shall be submitted to the  
3 commissioner, the Governor, the Legislature pursuant to section 2  
4 of P.L.1991, c.164 (C.52:14-19.1), and the Chairpersons of the  
5 Senate Environment and Energy Committee and the Assembly  
6 Environment and Solid Waste Committee, or their successor  
7 committees. The report shall include but not be limited to an  
8 explanation of the harvesting procedures used, a description of the  
9 locations of the forestry activities performed pursuant to this  
10 section, the ecological goals for each area on which harvesting has  
11 occurred, the forest regeneration procedures employed at each area,  
12 the number of tons of biomass harvested, the types of biomass  
13 harvested, the number of tons of biomass sold, the buyers of the  
14 biomass harvested, cost effectiveness of the management techniques  
15 used, environmental problems encountered, an accounting of the  
16 costs of the program, and any other information the commissioner  
17 deems appropriate.

18

19 3. (New section) a. The annual appropriations act for each  
20 State fiscal year shall, without other conditions, limitations or  
21 restrictions, appropriate the program revenues to the special account  
22 as provided in subsection e. of section 2 of P.L. , c. (C. )  
23 (pending before the Legislature as this bill) for use by the New  
24 Jersey Natural Lands Trust or the department for the purposes set  
25 forth therein.

26 b. If the requirements of subsection a. of this section are not  
27 met on the effective date of an annual appropriations act for the  
28 State fiscal year, or if an amendment or supplement to an annual  
29 appropriations act for the State fiscal year should violate any of the  
30 requirements of subsection a. of this section, the Director of the  
31 Division of Budget and Accounting in the Department of the  
32 Treasury shall, not later than five days after the enactment of the  
33 annual appropriations act, or an amendment or supplement thereto,  
34 that violates any of the requirements of subsection a. of this section,  
35 certify to the State Treasurer that the requirements of subsection a.  
36 of this section have not been met.

37

38 4. Section 3 of P.L.1968, c.49 (C.46:15-7) is amended to read as  
39 follows:

40 3. a. In addition to the recording fees imposed by section 2 of  
41 P.L.1965, c.123 (C.22A:4-4.1), a grantor shall pay to the county  
42 recording officer at the time the deed is offered for recording the  
43 following fees:

44 (1) A basic fee, which basic fee shall consist of (a) a State  
45 portion at the rate of \$1.25 for each \$500.00 of consideration or  
46 fractional part thereof recited in the deed, and (b) a county portion  
47 at the rate of \$0.50 for each \$500.00 of consideration or fractional  
48 part thereof so recited; provided however, that on and after the tenth

1 day following a certification by the Director of the Division of  
2 Budget and Accounting in the Department of the Treasury pursuant  
3 to subsection b. of section 2 of P.L.1992, c.148 (C.46:15-10.2) [or]  
4 , subparagraph (ii) of subparagraph (b) of paragraph (2) of  
5 subsection b. of section 1 of P.L.1992, c.148 (C.13:19-16.1) as  
6 amended, or subsection b. of section 3 of P.L. , c. (C. ) (pending  
7 before the Legislature as this bill), the State portion of the basic fee  
8 shall not be imposed;

9 (2) An additional fee at the rate of \$0.75 for each \$500.00 of  
10 consideration or fractional part thereof recited in the deed in excess  
11 of \$150,000.00; provided however, that on and after the tenth day  
12 following a certification by the Director of the Division of Budget  
13 and Accounting in the Department of the Treasury pursuant to  
14 subsection b. of section 2 of P.L.1992, c.148 (C.46:15-10.2) [or] ,  
15 subparagraph (ii) of subparagraph (b) of paragraph (2) of  
16 subsection b. of section 1 of P.L.1992, c.148 (C.13:19-16.1) as  
17 amended, or subsection b. of section 3 of P.L. , c. (C. ) (pending  
18 before the Legislature as this bill), the additional fee shall not be  
19 imposed; and

20 (3) A general purpose fee at the rate of:

21 (a) \$0.90 for each \$500.00 of consideration or fractional part  
22 thereof recited in the deed that is not in excess of \$550,000.00,  
23 except that in the case of a conveyance or transfer of property for  
24 which the total consideration recited in the deed does not exceed  
25 \$350,000.00, no general purpose fee shall be imposed;

26 (b) \$1.40 for each \$500.00 of consideration or fractional part  
27 thereof in excess of \$550,000.00 but not in excess of \$850,000.00  
28 recited in the deed;

29 (c) \$1.90 for each \$500.00 of consideration or fractional part  
30 thereof in excess of \$850,000.00 but not in excess of \$1,000,000.00  
31 recited in the deed; and

32 (d) \$2.15 for each \$500.00 of consideration or fractional part  
33 thereof in excess of \$1,000,000.00 recited in the deed.

34 b. A deed subject to any of the fees established by this section,  
35 which is in fact recorded, shall be deemed to have been entitled to  
36 recording, notwithstanding that the amount of the consideration  
37 shall have been incorrectly stated or that the correct amount of such  
38 fee shall not have been paid. No such defect shall in any way affect  
39 or impair the validity of the title conveyed or render the same  
40 unmarketable; but the person or persons required to pay said  
41 additional fee at the time of recording shall be and remain liable to  
42 the county recording officer for the payment of the proper amount  
43 thereof.

44 (cf: P.L.2008, c.31, s.2)

45  
46 5. Section 4 of P.L.1975, c.176 (C.46:15-10.1) is amended to  
47 read as follows:

- 1 4. a. The following transfers of title to real property shall be  
2 exempt from payment of the State portion of the basic fee:
- 3 (1) The sale of any one- or two-family residential premises  
4 which are owned and occupied by a senior citizen, blind person or  
5 disabled person who is the seller in such transaction; provided,  
6 however, that except in the instance of a husband and wife no  
7 exemption shall be allowed if the property being sold is jointly  
8 owned and one or more of the owners is not a senior citizen, blind  
9 person or disabled person.
- 10 (2) The sale of low and moderate income housing.
- 11 b. Transfers of title to real property upon which there is new  
12 construction shall be exempt from payment, with respect to all  
13 consideration therefor up to \$150,000.00, of 80% of the State  
14 portion of the basic fee.
- 15 c. (1) The director shall promulgate rules, regulations and  
16 forms of certification otherwise necessary to carry out the  
17 provisions of this section.
- 18 (2) No transfer shall be eligible for more than one exemption  
19 under this section.
- 20 d. The balance of the State portion of the basic fee and the  
21 additional fee collected on transfers subject to exemption under  
22 subsection b. of this section shall be remitted to the State Treasurer  
23 and shall be credited to the Neighborhood Preservation Nonlapsing  
24 Revolving Fund established pursuant to P.L.1985, c.222 (C.52:27D-  
25 301 et al.), to be spent in the manner established under section 20  
26 thereof (C.52:27D-320).
- 27 e. Subsections a. through d. of this section shall be without  
28 effect on and after the tenth day following a certification by the  
29 Director of the Division of Budget and Accounting in the  
30 Department of the Treasury pursuant to subsection b. of section 2 of  
31 P.L.1992, c.148 (C.46:15-10.2) [or] subsubparagraph (ii) of  
32 subparagraph (b) of paragraph (2) of subsection b. of section 1 of  
33 P.L.1992, c.148 (C.13:19-16.1) as amended , or subsection b. of  
34 section 3 of P.L. , c. (C. ) (pending before the Legislature as this  
35 bill).  
36 (cf: P.L.2008, c.31, s.3)
- 37
- 38 6. This act shall take effect immediately.
- 39
- 40

41 STATEMENT

42

43 This bill directs the Department of Environmental Protection  
44 (DEP) to develop a forest harvest program to provide for the harvest  
45 of forest products on State-owned lands, excluding State-owned  
46 lands located in the Pinelands area, for which a forest stewardship  
47 plan has been developed. The program will allow forest

1 management activities on State-owned lands identified by the  
2 department.

3 The program to be directed by the DEP will require the  
4 commissioner to select a project manager to implement and  
5 supervise the program after public advertisements for bids therefor.  
6 A contract will be awarded to the bidder whose bid is most  
7 advantageous to the State. The duration of a contract will be five  
8 years. The duties of the project manager will include: (1) adopting  
9 a management plan developed through a public process, consistent  
10 with the provisions of the forest stewardship plan for the State-  
11 owned lands identified by the commissioner; (2) providing for the  
12 cutting and sale of wood on that land; (3) obtaining the best price  
13 for the wood; (4) obtaining all permits and approvals necessary to  
14 engage in forestry activities; (5) assuring that activities concerning  
15 the implementation of the forest stewardship plans on State-owned  
16 lands are consistent with the rules and regulations adopted pursuant  
17 to P.L.2009, c.256 (C.13:1L-29 et seq.) (which establishes  
18 standards for forest stewardship plans); and (6) developing a  
19 strategy for the creation of a viable economic market for forest  
20 products, including, but not limited to, the processing of forest  
21 products into wood pellets or other forms useful in producing  
22 alternative energy. The bill will require the project manager  
23 annually to prepare a written report concerning the program, and  
24 submit it to the Governor, the Legislature and the Chairpersons of  
25 the Senate Environment and Energy Committee and the Assembly  
26 Environment and Solid Waste Committee.

27 The bill also will require that all revenues be deposited into a  
28 dedicated, nonlapsing special account within the DEP for use by the  
29 DEP to cover the reasonable costs of implementing the program.  
30 Any remaining revenues will be deposited into a dedicated  
31 nonlapsing special account in the New Jersey Natural Lands Trust  
32 and be used only for restoration projects to increase biodiversity, or  
33 to enhance habitat for rare, threatened or endangered flora or fauna,  
34 on lands held or managed by the New Jersey Natural Lands Trust,  
35 in State parks and forests, or in State wildlife management areas.  
36 To assure that the revenues are used for the purpose stated in the  
37 bill, the bill includes a “poison pill” provision.