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SYNOPSIS
Establishes forest stewardship program for State-owned lands.

CURRENT VERSION OF TEXT
Substitute as adopted by the Senate Environment and Energy Committee.

(Sponsorship Updated As Of: 6/25/2013)
AN ACT concerning forest stewardship on certain State-owned lands, and supplementing P.L.1983, c.324 (C.13:1L-1 et seq.).

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

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

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

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

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

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

e. The Legislature further finds and declares that active stewardship will enhance and sustain the long-term health of forest resources and all the corresponding ecological and economic benefits, including but not limited to stormwater filtration and replenishment of water supply, removal of air pollutants,
moderation of air temperatures, protection of threatened and
endangered species, and promotion of recreation and tourism.

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

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

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

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

b. The department shall:
   (1) identify State-owned forested lands for which a forest
       stewardship plan has not been developed;
   (2) establish a priority order for the development of forest
       stewardship plans for State-owned forested lands;
   (3) establish a procedure for the development, review, and
       adoption of forest stewardship plans that conforms to the standards
       adopted by the independent, not-for-profit Forest Stewardship
       Council;
   (4) develop and adopt forest stewardship plans for State-owned
       forested lands in the priority order identified;
   (5) seek and obtain the forest management certification from the
       Forest Stewardship Council for each forest stewardship plan
       developed;
(6) provide for the audit of the implementation of forest stewardship plans by a Forest Stewardship Council certification body to obtain Forest Stewardship Council certification;

(7) ensure that the program's highest priorities are the conservation of the forests, protection of biological diversity, improvement of the health and vigor of the forest ecosystem, protection of forest soils and their fertility and biological activity, and maintenance of water resources and watersheds;

(8) consider carbon sequestration, reduction of wildfire hazards, and public uses of the forest land, including recreational uses, in the development of forest stewardship plans;

(9) establish standards for the use of prescribed burns as a resource protection and forest stewardship technique where appropriate; and

(10) ensure that all forest stewardship plans for State-owned forested lands conform to the criteria set forth in subsection c. of this section.

c. A forest stewardship plan for State-owned forested lands adopted by the department pursuant to this section shall, at a minimum:

(1) be consistent with the rules and regulations adopted pursuant to section 8 of P.L.2009, c.256 (C.13:1L-36);

(2) conform to standards adopted by the Forest Stewardship Council existing at the time a forest stewardship plan is developed;

(3) maintain ecological functions and the integrity of the forest;

(4) ensure that economic determinations concerning forest stewardship take into account the full environmental, social, and operational costs;

(5) select species, with a preference for native species, for planting based on their overall suitability for the objectives of the stewardship of the forest and for the specific site;

(6) protect threatened and endangered species and their habitats, rare species, and unique and fragile ecosystems and landscapes;

(7) protect sites of special cultural, ecological, economic, or religious significance;

(8) prevent and minimize outbreaks of pests and diseases through integrated pest management that avoids or minimizes use of environmentally detrimental chemicals;

(9) specify the methods to be used to implement the forest stewardship plan; and

(10) specify methods used for forest stewardship that represent best management practices, and meet all standards for worker safety.

d. Any forest stewardship activities performed on State-owned lands pursuant to a forest stewardship plan shall:
(1) use methods and techniques that preserve the sustainability of the forest resource and avoid or minimize damage to other forest resources; and
(2) be performed using staging areas for machinery and equipment, or for temporary wood storage, to the maximum extent possible, in existing clearings, fields, or areas close to already paved roads.

(e) Harvesting shall not be conducted in State natural areas administered by the department 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 the department finds, in writing, that there will be a net environmental benefit on the site from the forest harvesting activities.

(f) The department shall 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.).

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

4. a. The State Forester shall:
   (1) implement forest stewardship plans on State-owned lands in accordance with the standards and criteria set forth in this act and by the Forest Stewardship Council;
   (2) establish standards for implementation of forest stewardship plans on State-owned lands that:
      (a) ensure that the rate of harvest does not exceed sustainable levels;
      (b) minimize waste associated with harvesting; and
      (c) provide for acceptable transportation methods for timber, wood and other forest products for ultimate sale;
      (3) identify strategies for the development of an economic market for forest products, and develop information on the marketing of harvested wood;
      (4) ensure that all required permits and approvals are obtained for any forest stewardship activities conducted pursuant to a forest stewardship plan adopted for State-owned lands;
      (5) ensure that the implementation of forest stewardship plans on State-owned lands located in the Highlands Region is consistent with the provisions of the “Highlands Water Protection and Planning Act,” P.L.2004, c.120 (C.13:20-1 et al.);
      (6) ensure that in the pinelands area as defined in section 10 of P.L.1979, c.111 (C.13:18A-11), all activities conducted pursuant to a forest stewardship plan on State-owned lands comply with all provisions of the "Pinelands Protection Act," P.L.1979, c.111
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(C.13:18A-1 et seq.) and the comprehensive management plan adopted pursuant thereto.

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

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

5. a. 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 Department of Environmental Protection shall be deposited in the "hunters' and anglers' license fund" established pursuant to the provisions of R.S.23:3-11 and R.S.23:3-12 to be used for the purposes prescribed for monies in that fund.

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

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

7. This act shall take effect immediately.