

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 2140
STATE OF NEW JERSEY
218th LEGISLATURE

DATED: JUNE 7, 2018

SUMMARY

Synopsis: Authorizes prescribed burning in certain circumstances.

Type of Impact: State cost and revenue increase

Agencies Affected: Department of Environmental Protection

Office of Legislative Services Estimate

Fiscal Impact	
Annual State Cost	Indeterminate increase
Annual State Revenue	Indeterminate increase

- The Office of Legislative Services (OLS) estimates that the Department of Environmental Protection (DEP) would incur startup costs and additional operating costs of indeterminate amount that could at least be partially recovered from the various fees that the bill permits. No specific information or data is available to estimate the cost of developing and administering a program for prescribed burning on public and private lands and conducting prescribed burns.
- The bill allows the DEP to charge fees to cover the costs associated with the program. The State revenue increase from fees is indeterminate. The OLS has no information from which to estimate the frequency with which fees or charges associated with prescribed burns would be imposed, or the fee schedule that would be adopted by the DEP under this bill.
- According to informal information provided by the DEP, at least one additional employee and other material resources would be needed by the department to develop and administer a prescribed burn program and to comply with the other provisions of the bill.

BILL DESCRIPTION

This bill authorizes and promotes the continued use of prescribed burning for public safety, wildfire control, and ecological, silvicultural, agricultural, and natural resource management purposes.

The bill directs the DEP to develop and administer a program for prescribed burning on public and private lands pursuant to a prescribed burn plan approved by the department. The bill authorizes the DEP to charge a reasonable fee to cover the costs associated with the program. All such fees collected would be deposited into a special dedicated account in the General Fund and appropriated to the Forest Fire Service to help pay for the administration and operation of its forest fire programs. The bill also provides that a person who desires to conduct a prescribed burn only on land for which the person is the landowner or lessee would not be required to complete and receive certification from a program of education concerning prescribed burning.

The bill authorizes the DEP to conduct a prescribed burn or mechanically manage vegetation in any area of land within the State which is determined by the Forest Fire Service to be in reasonable danger of wildfire due to the accumulation of wildland fire fuels. For lands not owned or controlled by the State, which are determined by the Forest Fire Service to be in reasonable danger of wildfire due to the accumulation of wildland fire fuels, the Forest Fire Service would:

- 1) provide written notice to each affected local governmental entity within which the affected land is located that describes the purpose of the prescribed burn and describes the areas to be burned;
- 2) publish a prescribed burn notice, which would include an explanation of the purpose of the prescribed burn and a description of the area to be burned, in at least one newspaper of general circulation in the area of the prescribed burn;
- 3) provide prior written notice, by certified mail, return receipt requested, or personal service, of the proposed prescribed burn to each affected landowner and lessee, if known, of the purpose of the prescribed burn and the description of any land that is included in the area to be burned; and
- 4) consider any landowner or lessee objections to the prescribed burning of the property.

The bill provides that an objecting landowner or lessee may apply to the Forest Fire Service for a review of alternative methods of wildland fire fuel reduction on the property. If the Forest Fire Service does not resolve the objection, the DEP would convene a panel composed of the local Forest Fire Service manager, the fire chief of the jurisdiction, and a local official designated by the municipality in which the land is located. The panel would review the prescribed burning of the property, objections to the prescribed burn, and the proposed alternative fuel reduction methods, and would recommend a course of action to reduce the wildland fire fuels. If the panel's recommendation is not acceptable to the objecting landowner or lessee, the bill authorizes the landowner or lessee to request further consideration by the Commissioner of Environmental Protection and would be entitled to an administrative hearing.

The bill also authorizes the DEP to assess against a landowner or lessee reasonable fees and costs for a prescribed burn conducted by the Forest Fire Service for any wildland fuel hazard that poses an extraordinary threat to life, property or a natural resource.

FISCAL ANALYSIS

EXECUTIVE BRANCH

According to informal information provided by the DEP in 2014, at least one additional employee and other material resources would be needed by the department to develop and administer a program and to comply with the other provisions of the bill concerning prescribed burns.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that this bill will increase DEP expenditures and State revenue by indeterminate amounts. No specific information or data is available to estimate the cost of developing and administering a program for prescribed burning on public and private lands and conducting prescribed burns. Neither is information or data available to the OLS that would provide a basis for estimating the frequency of prescribed burns for which the DEP would impose fees or costs, or the fee schedule the DEP would adopt pursuant to this bill.

Section: Environment, Agriculture, Energy and Natural Resources

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This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).