

SENATE, No. 3550

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 11, 2021

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

SYNOPSIS

Provides that municipal approval is not required for forest stewardship plans.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the approval of forest stewardship plans and
2 amending P.L.2009, c.256.

3

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

6

7 1. Section 3 of P.L.2009, c.256 (C.13:1L-31) is amended to
8 read as follows:

9 3. a. The department shall establish a forest stewardship
10 program under which an owner, in conjunction with a forester or
11 other professional selected by the owner from a list of foresters
12 approved by the department, or from a list of other professionals
13 authorized by the department in consultation with the forest
14 stewardship advisory committee established pursuant to section 8 of
15 P.L.2009, c.256 (C.13:1L-36), may prepare a forest stewardship
16 plan for land, five acres or greater in area, submit the plan to the
17 department for approval, and implement the plan as approved, or as
18 subsequently amended with the approval of the department.

19 A forest stewardship plan, at a minimum, shall:

20 (1) conform with the rules and regulations adopted pursuant to
21 section 8 of P.L.2009, c.256 (C.13:1L-36) designed to ensure the
22 sustainability of forest lands;

23 (2) list the owner's long term stewardship goals for the forest
24 land; and, for each year that the plan applies, list the activities to be
25 implemented that year, including the activities designed to ensure
26 the sustainability of the forest land as well as activities designed to
27 eliminate excessive and unnecessary cutting, and provide the
28 rationale for each activity listed; and

29 (3) establish the monitoring, recordkeeping, and reporting
30 necessary to document implementation of the forest stewardship
31 plan, including documentation of activities and inspections
32 performed.

33 Notwithstanding the provisions of section 6 of P.L.2009, c.256
34 (C.13:1L-34), a forest stewardship plan submitted for land in the
35 pinelands area shall comply with the standards of the
36 comprehensive management plan for the pinelands area adopted
37 pursuant to P.L.1979, c.111 (C.13:18A-1 et seq.) , except that local
38 government approval of a forest stewardship plan shall not be
39 required.

40 b. The department may elect to inspect the forest land, prior to
41 determining whether to approve a forest stewardship plan, in order
42 to assess the appropriateness and sufficiency of the proposed plan.

43 After the department approves a forest stewardship plan, the
44 forest land shall be subject to inspection by the department during

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 one of the first three years following approval and at least once
2 every three years following the first inspection.

3 c. A forest stewardship plan shall be valid for a period of 10
4 years, unless sooner terminated by the owner or revoked by the
5 department. To continue, without interruption, participation in the
6 forest stewardship program, an owner shall prepare a new or revised
7 forest stewardship plan pursuant to subsection a. of this section and,
8 in accordance with procedures established by the department, obtain
9 the department's approval of the new or revised forest stewardship
10 plan prior to the expiration date of the current forest stewardship
11 plan.

12 d. A forest stewardship plan approved pursuant to this section
13 shall be considered to be a woodland management plan pursuant to
14 section 3 of the "Farmland Assessment Act of 1964," P.L.1964, c.48
15 (C.54:4-23.3) when the approved forest stewardship plan is
16 submitted as part of an application for valuation, assessment and
17 taxation pursuant to the "Farmland Assessment Act of 1964,"
18 P.L.1964, c.48 (C.54:4-23.1 et seq.).
19 (cf: P.L.2009, c.256, s.3)

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21 2. Section 6 of P.L.2009, c.256 (C.13:1L-34) is amended to
22 read as follows:

23 6. No local government unit may enact, on or after the date of
24 enactment of P.L.2009, c.256 (C.13:1L-29 et al.), any ordinance,
25 rule, or resolution, as appropriate, that requires local government
26 approval of a forest stewardship plan or that conflicts with,
27 prevents, or impedes the implementation of a forest stewardship
28 plan approved pursuant to section 3 of P.L.2009, c.256 (C.13:1L-
29 31) , or impose a fee in excess of \$100 in any calendar year for the
30 cutting of trees on any land that is the subject of an approved forest
31 stewardship plan. The provisions of P.L.2009, c.256 (C.13:1L-
32 29 et al.) supersede any such ordinance, rule, or resolution, as
33 appropriate, enacted or adopted on or prior to the date of enactment
34 of [P.L.2009, c.256 (C.13:1L-29 et al.)] P.L. , c. (C.)
35 (pending before the Legislature as this bill).
36 (cf: P.L.2009, c.256, s.6)

37
38 3. This act shall take effect immediately.

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STATEMENT

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43 This bill would provide that local government approval is not
44 required for a forest stewardship plan.

45 Under current law, a person who prepares a forest stewardship
46 plan pursuant to P.L.2009, c.256 (C.13:1L-29 et seq.) is required to
47 work with an approved forester or other professional, and obtain the
48 approval of the Department of Environmental Protection (DEP).

1 Additionally, under the Pinelands Comprehensive Management
2 Plan (CMP), a landowner who prepares a forest stewardship plan
3 for land in the pinelands area must also obtain the approval of the
4 Pinelands Commission and the municipality in which the forested
5 land is located.

6 This multi-tiered review process is unduly burdensome for
7 landowners, and adds cost and time delays to forest stewardship
8 projects without adding any clear environmental benefits.
9 Additionally, most municipal governments do not have the time,
10 resources, or expertise to review and approve a forest stewardship
11 plan, and so these plans can be held up in the municipal permitting
12 process. Forest stewardship plans are already required to be
13 approved by the DEP and, if applicable, the Pinelands Commission,
14 to ensure compliance with appropriate forestry standards.

15 The bill would prohibit a local government unit from enacting
16 any ordinance, rule, or resolution that requires local government
17 approval of a forest stewardship plan. The bill would also provide
18 that the provisions of P.L.2009, c.256 (C.13:1L-29 et seq.) would
19 supersede any municipal ordinance adopted prior to the effective
20 date of this bill. Finally, the bill would provide that,
21 notwithstanding the requirement in the law that a forest stewardship
22 plan in the Pinelands comply with the CMP, local government
23 approval of a forest stewardship plan is not required. This bill
24 would streamline the review process for forest stewardship plans,
25 while maintaining appropriate environmental protections.