

ASSEMBLY, No. 2837

STATE OF NEW JERSEY
215th LEGISLATURE

INTRODUCED MAY 10, 2012

Sponsored by:

Assemblyman JOHN F. MCKEON

District 27 (Essex and Morris)

SYNOPSIS

Establishes forest harvest program on State-owned land.

CURRENT VERSION OF TEXT

As introduced.



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 of
48 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
39 as 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 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.