

SENATE, No. 1648

STATE OF NEW JERSEY
212th LEGISLATURE

INTRODUCED MARCH 20, 2006

Sponsored by:

Senator ROBERT W. SINGER

District 30 (Burlington, Mercer, Monmouth and Ocean)

SYNOPSIS

Concerns stewardship of forests; appropriates \$650,000.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning forest management, supplementing Title 13 of
2 the Revised Statutes and P.L.1964, c.48 (C.54:4-23.1 et seq.),
3 amending P.L.1968, c.73, and making an appropriation.
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*
7

8 1. (New section) The Legislature finds and declares that trees
9 and forests help clean and refresh the air by filtering dust and
10 particulates and by absorbing carbon dioxide and releasing oxygen;
11 that trees and forests protect and preserve the State's water supply
12 and water quality; that trees and forests also help clean the waters
13 of the State, stabilize soils, provide shade, and furnish food and
14 shelter to birds and other wildlife; and that forest lands are an
15 irreplaceable component of the environment worthy of conservation
16 and stewardship.

17 The Legislature further finds and declares that forests are a
18 necessary and important part of community and urban
19 environments, and are critical to the environmental, social and
20 economic welfare of the State; and that the ability to care for and
21 manage forests could be enhanced through technical and financial
22 assistance from a forest stewardship program.

23 The Legislature further finds and declares that forest lands
24 contribute to the economic well being of the State through increased
25 property values, outdoor recreational opportunities, business
26 opportunities, forest products, and a source of clean air and water;
27 that forest lands must be conserved and nurtured to guarantee
28 sustained and improved yields of forest benefits; and that the State's
29 forest lands are under-managed due to a lack of incentives for
30 improved forest stewardship.

31 The Legislature further finds that the State's forests are at risk
32 from invasive plant, animal, and insect species, the pressure of
33 development, and the alarming degradation of the forests' health,
34 quality, and composition.

35 The Legislature therefore determines that it is in the public
36 interest to establish a forest stewardship program to develop and
37 promote the long-term active management of the State's forest
38 resources and emphasize consideration of all forest resources and
39 benefits.
40

41 2. (New section) a. There is established, within the Department
42 of Environmental Protection, a Forest Stewardship Advisory
43 Council consisting of 15 members appointed by the Commissioner
44 of Environmental Protection as follows: one representative of the
45 New Jersey Forest Service; one representative of the Division of

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 Fish and Wildlife in the Department of Environmental Protection;
2 one representative of the Office of Natural Lands Management; one
3 representative of the Department of Agriculture; one representative
4 of the New Jersey Forestry Association; one representative of the
5 Natural Resources Conservation Service in the United States
6 Department of Agriculture; one representative from the New Jersey
7 Federation of Sportsmen; two consulting foresters; three owners of
8 private woodland; two representatives of Statewide environmental
9 organizations; and one individual with expertise, knowledge, or
10 experience in forestry, land use or, natural resources protection.

11 b. The State Forester, or the State Forester's designee, shall serve
12 as chairperson of the council. The council shall meet at the call of
13 the chairperson, and shall meet at least once a year.

14 c. Any vacancies in the membership of the council shall be filled
15 in the same manner as the original appointments were made.

16 d. The members of the council shall serve without
17 compensation, but may be reimbursed for necessary expenses
18 incurred in the performance of their duties.

19 e. The council shall be entitled to call to its assistance and avail
20 itself of the services of the employees of any State department,
21 board, bureau, commission or agency, as it may require and as may
22 be available for its purposes, and to employ stenographic and
23 clerical assistance and incur traveling and other miscellaneous
24 expenses as may be necessary in order to perform its duties, within
25 the limits of funds appropriated or otherwise made available to it
26 for its purposes.

27
28 3. (New section) a. The Forest Stewardship Advisory Council
29 shall establish a certification program for landowners who prepare
30 and implement a forest stewardship plan prepared in accordance
31 with standards established by the State Forester in conjunction with
32 the Forest Stewardship Advisory Council and adhere to State and
33 federal environmental laws, rules and regulations regarding forest
34 land.

35 b. The Forest Stewardship Advisory Council shall establish a
36 cost share incentive program, to be known as the New Jersey Forest
37 Stewardship Incentive Program, to help municipalities, non-profit
38 organizations, and private landowners implement forest stewardship
39 plans. This program shall be modeled upon the United States
40 Forest Service Forest Land Enhancement Program and the New
41 Jersey Department of Agriculture conservation cost share program
42 for farmers, and administered by the State Forester in conjunction
43 with the Forest Stewardship Advisory Council.

44 c. The Forest Stewardship Advisory Council shall advise the
45 Commissioner of Environmental Protection on issues related to
46 forest management and recommend programs, actions and standards
47 necessary to conserve and provide stewardship to New Jersey forest
48 lands.

1 4. (New section) The State Forester, in conjunction with the
2 Forest Stewardship Advisory Council and in consultation with the
3 United States Forest Service, shall develop and adopt forest
4 sustainability criteria and indicators specific to New Jersey and
5 compatible with national standards, in order to record, assess, and
6 monitor the sustainability, condition, extent, and environmental
7 benefits of New Jersey forests.

8 The State Forester shall publish a report based on these forest
9 sustainability criteria within nine months after the date of enactment
10 of this act and every seven years thereafter, which report shall also
11 include any recommendations for legislative or administrative
12 action, and transmit that report to the Governor, the President of the
13 Senate, the Speaker of the General Assembly, and the chairpersons
14 of the Senate Environment Committee and the Assembly
15 Agriculture and Natural Resources Committee, or the successors of
16 those committees as designated respectively by the President of the
17 Senate and the Speaker of the General Assembly.

18

19 5. (New section) a. Notwithstanding the provisions of any
20 other law, or any rule or regulation adopted pursuant thereto, to the
21 contrary, when the State, a local government unit or a qualifying tax
22 exempt nonprofit organization acquires forest lands using public
23 funds, the lands so acquired shall be managed in accordance with a
24 certified forest stewardship plan and the standards established by
25 the State Forester in conjunction with the Forest Stewardship
26 Advisory Council pursuant to subsection a. of section 3 of this act.

27 b. As used in this section, "local government unit" and
28 "qualifying tax exempt nonprofit organization" mean the same as
29 those terms are defined pursuant to section 3 of P.L.1999, c.152
30 (C.13:8C-3).

31

32 6. (New section) Notwithstanding any provision of section 15
33 of P.L.1983, c.324 (C.13:1L-15), or any rule or regulation adopted
34 pursuant thereto, to the contrary, the State Forester shall, after
35 consultation with the Forest Stewardship Advisory Council
36 established pursuant to section 2 of this act, recommend, to the
37 Commissioner of Environmental Protection, remedial emergency
38 action to be taken by the appropriate public and private landowners
39 or agencies to prevent, retard, control or suppress incipient,
40 potentially threatening or emergency insect infestation and disease
41 conditions affecting the forest resources of the State.

42

43 7. (New section) The Commissioner of Environmental
44 Protection shall adopt any rules and regulations, pursuant to the
45 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
46 seq.), necessary to implement sections 1 through 6 of this act.

47

48 8. (New section) A landowner certified and implementing a

1 forest stewardship plan pursuant to section 3 of this act shall not be
2 subject to any ordinance or resolution, as appropriate, enacted or
3 adopted by any municipality or country or entity thereof, or to any
4 rule adopted by a multi-county entity, regulating the practice of
5 forest stewardship. The Commissioner of Environmental Protection
6 may provide an exception to this section upon petition by a
7 governing body of a municipality or county.

8
9 9. (New section) a. Notwithstanding any provision of the
10 "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et
11 seq.), or any rule or regulation adopted pursuant thereto, to the
12 contrary, a landowner owning five acres or more of forest land may
13 be eligible for differential property tax assessment pursuant to
14 P.L.1964, c.48 (C. 54:4-23.1 et seq.), provided that the landowner:

15 (1) is certified and implements a forest stewardship plan pursuant
16 to subsection a. of section 3 of P.L. , c. (C.) (pending before
17 the Legislature as this bill); and

18 (2) enters into a ten-year stewardship agreement approved by the
19 State Forester in consultation with the Forest Stewardship Advisory
20 Council established pursuant to section 2 of P.L. , c. (C.)
21 (pending before the Legislature as this bill).

22 b. The Director of the Division of Taxation, in consultation with
23 the Commissioner of Environmental Protection and the State
24 Treasurer, shall adopt any rules and regulations, pursuant to the
25 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
26 seq.), necessary to implement this section.

27
28 10. Section 3 of P.L.1968, c.73 (C.2A:42A-4) is amended to
29 read as follows:

30 3. This act shall not limit the liability which would otherwise
31 exist:

32 a. For willful or malicious failure to guard, or to warn against, a
33 dangerous condition, use, structure or activity; or

34 b. For injury suffered in any case where permission to engage in
35 sport or recreational activity on the premises was granted for a
36 consideration other than the consideration, if any, paid to **[said]** the
37 landowner by the State; or

38 c. For injury caused, by acts of persons to whom permission to
39 engage in sport or recreational activity was granted, to other
40 persons as to whom the person granting permission, or the owner,
41 lessee or occupant of the premises, owes a duty to keep the
42 premises safe or to warn of danger; or

43 d. For injury suffered in any case where permission to engage in
44 sport or recreational activity on forest lands managed in accordance
45 with an approved forest stewardship plan pursuant to subsection a.
46 of section 3 of P.L. , c. (C.) (pending before the Legislature
47 as this bill) was granted for a consideration other than the
48 consideration, if any, paid to the landowner by any person, or any

1 group or organization on behalf of its membership, to engage in
2 hunting, fishing, or trapping activities on the premises.

3 (cf: P.L.1968, c.73, s.3)

4

5 11. There shall be appropriated from the General Fund to the
6 Department of Environmental Protection the sum of \$650,000 for
7 the New Jersey Forest Stewardship Incentive Program established
8 pursuant to subsection b. of section 3 of P.L. , c. (C.)
9 (pending before the Legislature as this bill).

10

11 12. This act shall take effect immediately.

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14

STATEMENT

15

16 This bill would establish, within the Department of
17 Environmental Protection (DEP), a Forest Stewardship Advisory
18 Council (council) consisting of 15 members appointed by the DEP
19 Commissioner. This council would be charged with: (1)
20 establishing a certification program for landowners that prepare and
21 implement a forest stewardship plan prepared in accordance with
22 standards established by the State Forester in conjunction with the
23 Forest Stewardship Advisory Council and adhere to State and
24 federal environmental laws, rules and regulations regarding forest
25 land; (2) establishing a cost share incentive program, to be known
26 as the New Jersey Forest Stewardship Incentive Program, to help
27 municipalities, non-profit organizations, and private landowners
28 implement forest stewardship plans; and (3) advising the DEP
29 Commissioner on issues related to forest management and
30 recommend programs, actions and standards necessary to conserve
31 and provide stewardship to New Jersey forest lands.

32 This bill would require the State Forester, in conjunction with
33 the council and in consultation with the United States Forest
34 Service, to develop and adopt forest sustainability criteria and
35 indicators specific to New Jersey and compatible with national
36 standards, in order to record, assess, and monitor the sustainability,
37 condition, extent, and environmental benefits of New Jersey forests,
38 and publish a report based on these forest sustainability criteria and
39 indicators at seven-year intervals, with the first report required
40 within nine months after the date of enactment of this bill into law.

41 This bill would require that any lands acquired by the State, a
42 local government unit or a qualifying tax exempt nonprofit
43 organization using public funds be managed in accordance with a
44 certified forest stewardship plan.

45 This bill would authorize the State Forester, after consultation
46 with the council, to recommend to the DEP Commissioner remedial
47 emergency action to prevent, retard, control or suppress incipient,
48 potentially threatening or emergency insect infestation and disease

1 conditions affecting the forest resources of the State.

2 The bill further provides a landowner certified and implementing
3 a forest stewardship plan shall not be subject to any ordinance or
4 resolution, as appropriate, enacted or adopted by any municipality
5 or county or entity thereof, or to any rule adopted by a multi-
6 county entity, regulating the practice of forest stewardship.
7 However, the bill provides that the DEP Commissioner may provide
8 an exception upon petition by a governing body of a municipality or
9 county.

10 This bill would expand the current farmland assessment program
11 under the "Farmland Assessment Act of 1964" to provide
12 differential property tax assessment to landowners with five acres
13 or more of forest land who implement an approved forest
14 stewardship plan and enter into a ten-year stewardship agreement.

15 This bill would amend P.L.1968, c.73 (C.2A:42A-2 et seq.),
16 commonly known as the "Landowner's Liability Act," which
17 provides general liability protection under certain circumstances to
18 landowners (as well as lessees and occupants of the lands) who
19 grant permission for individuals to enter upon their lands to engage
20 in certain statutorily defined sport and recreational activities,
21 including but not limited to hunting, fishing, and trapping.
22 However, current law withdraws that protection when the
23 permission is granted in exchange for the payment of consideration,
24 such as, for example, a fee or pursuant to a lease agreement. This
25 bill would remove that statutorily-induced inhibition with respect to
26 hunting as well as fishing and trapping on and would, thus, limit the
27 potential liability of landowners (as well as lessees and occupants of
28 the lands) who open their forest lands to hunting, fishing, or
29 trapping activities for a fee or pursuant to a lease given to, for
30 example, a hunting club.

31 Lastly, this bill would appropriate \$650,000 from the General
32 Fund to the DEP for the New Jersey Forest Stewardship Incentive
33 Program created by the bill.