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.
AN ACT concerning forest harvest programs, supplementing 

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

1. (New section) a. The Legislature finds and declares that 
forest lands: are critical to the environmental welfare of the State; 
provide natural habitats for wildlife, including threatened and 
endangered species; help clean and refresh the air by filtering dust 
and particulates; absorb carbon dioxide and release oxygen, helping 
to moderate climate change; 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 yields of forest 
benefits; and that the State’s forest lands are now seldom managed 
effectively due to a lack of resources, incentives and a viable 
market for forest products.

c. The Legislature further finds and declares that forest lands 
consist of a complex ecology; that, historically, natural 
disturbances, such as large-scale fires occurring every 50 to 60 
years, 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 it would be 
beneficial to foster sustainable management practices through the 
support of a market for low-grade wood; that such a market would 
encourage sustainable silvicultural practices, resulting in healthier 
forests, improved forest growth, and a reduction of catastrophic fire 
risk; that, presently, reducing fire hazards and thinning forests is 
expensive, because there exists no viable economic market for 
forest products resulting therefrom to pay for the processes; and that 
the creation of such a market would ensure a balance of mature and 
young forest areas necessary to accommodate the State’s diverse 
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.
e. The Legislature further finds and declares that it is in the public interest to explore ways to create an economic market for forest products; that such products may serve as renewable biomass, which may be used to produce energy; and that such renewable sources of energy could reduce the use of coal and other fossil fuels, thereby reducing carbon emissions.

f. The Legislature further finds and declares that thinning the forests in State-owned lands would provide much needed revenue to manage State-owned forested lands; that the establishment of a viable market for such products would create “green” jobs for the citizens of New Jersey and produce new revenue streams for the State; and that such a market may provide the support necessary to encourage responsible and sustainable forest stewardship throughout the State.

2. (New section) a. The Department of Environmental Protection shall develop a forest harvest program to provide for the harvest of forest products on State-owned lands, excluding State-owned lands in the Pinelands area, for which a forest stewardship plan has been developed. The program shall allow forest management activities on State-owned lands identified by the department.

In developing the program, the department shall:

(1) identify State-owned lands for which a forest stewardship plan has been developed that are eligible for the harvesting of forest products;

(2) ensure that forest harvesting activities conform to any laws, rules and regulations regarding forest management activities;

(3) ensure that forest harvesting activities are conducted in accordance with the forest stewardship plan developed for the area;

(4) ensure that forest harvesting activities are not conducted in Natural Heritage Priority Sites, natural areas, or sensitive ecological areas unless the department determines that the site would benefit from forest harvesting activities;

(5) require that forest harvesting activities in the preservation area of the Highlands Region as defined in section 3 of P.L.2004, c.120 (C.13:20-3) comply with all provisions of the “Highlands Water Protection and Planning Act,” P.L.2004, c.120 (C.13:20-1 et al.);

(6) require that any staging area for equipment, machinery, or removal of logs be located, to the maximum extent practicable, in existing clearings, fields, or areas close to existing paved roads;

(7) require that all forest harvesting activities be conducted in accordance with forestry best management practices and the New Jersey Forestry and Wetlands Best Management Practices Manual issued by the Department of Environmental Protection;

(8) establish standards for the program for the cutting and sale of wood; and
(9) authorize a combination of harvesting techniques.

b. The commissioner shall select a project manager to implement and supervise the program after public advertisements for bids therefor. A contract shall be awarded to that responsible bidder whose bid, conforming to the invitation for bids, is most advantageous to the State. In awarding a contract, the commissioner shall consider the price, the ability to manage the duties required of the project manager pursuant to this section, and other appropriate factors. The duration of a contract shall be five years.

c. The duties of the project manager shall include:

(1) adopting a management plan, developed through a public process including a public notice, hearing, and comment period, consistent with the provisions of the forest stewardship plans for the State-owned lands identified by the commissioner pursuant to subsection a. of this section;

(2) providing for the cutting and sale of wood;

(3) obtaining the best price for the harvested wood;

(4) obtaining all permits and approvals necessary to engage in forestry activities;

(5) assuring that activities concerning the implementation of the forest stewardship plans on State-owned lands are consistent with the rules and regulations adopted pursuant to P.L.2009, c.256 (C.13:1L-29 et seq.); and

(6) developing a strategy for the creation of a viable economic market for forest products, including, but not limited to, the processing of forest products into wood pellets or other forms useful in producing alternative energy.

d. The department 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.

e. All revenues for the program shall be deposited into a dedicated, nonlapsing special account within the Department of Environmental Protection. Moneys in the account shall be used by the department to cover the reasonable costs of implementing the program. Any remaining revenues shall be deposited into a dedicated nonlapsing special account in the New Jersey Natural Lands Trust, to be used only for restoration projects to increase biodiversity, or to enhance habitat for rare, threatened or endangered flora or fauna, on lands held or managed by the New Jersey Natural Lands Trust, 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. Moneys in the account may be disbursed by the trust for projects upon written request by the forest stewardship advisory committee established pursuant to section 8 of P.L.2009, c.256 (C.13:1L-36).
f. The project manager shall annually prepare a written report concerning the program, which shall be submitted to the commissioner, 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 not be limited to an explanation of the harvesting procedures used, a description of the locations of the forestry activities performed pursuant to this section, the ecological goals for each area on which harvesting has occurred, the forest regeneration procedures employed at each area, the number of tons of biomass harvested, the types of biomass harvested, the number of tons of biomass sold, the buyers of the biomass harvested, cost effectiveness of the management techniques used, environmental problems encountered, an accounting of the costs of the program, and any other information the commissioner deems appropriate.

3. (New section) a. The annual appropriations act for each State fiscal year shall, without other conditions, limitations or restrictions, appropriate the program revenues to the special account as provided in subsection e. of section 2 of P.L. , c. (C. ) (pending before the Legislature as this bill) for use by the New Jersey Natural Lands Trust or the department for the purposes set forth therein.

b. If the requirements of subsection a. of this section are not met on the effective date of an annual appropriations act for the State fiscal year, or if an amendment or supplement to an annual appropriations act for the State fiscal year should violate any of the requirements of subsection a. of this section, the Director of the Division of Budget and Accounting in the Department of the Treasury shall, not later than five days after the enactment of the annual appropriations act, or an amendment or supplement thereto, that violates any of the requirements of subsection a. of this section, certify to the State Treasurer that the requirements of subsection a. of this section have not been met.

4. Section 3 of P.L.1968, c.49 (C.46:15-7) is amended to read as follows:

3. a. In addition to the recording fees imposed by section 2 of P.L.1965, c.123 (C.22A:4-4.1), a grantor shall pay to the county recording officer at the time the deed is offered for recording the following fees:

(1) A basic fee, which basic fee shall consist of (a) a State portion at the rate of $1.25 for each $500.00 of consideration or fractional part thereof recited in the deed, and (b) a county portion at the rate of $0.50 for each $500.00 of consideration or fractional part thereof so recited; provided however, that on and after the tenth
day following a certification by the Director of the Division of Budget and Accounting in the Department of the Treasury pursuant to subsection b. of section 2 of P.L.1992, c.148 (C.46:15-10.2) [or] subsection b. of section 1 of P.L.1992, c.148 (C.13:19-16.1) as amended, or subsection b. of section 3 of P.L. [ ], c. (C.) (pending before the Legislature as this bill), the State portion of the basic fee shall not be imposed;

(2) An additional fee at the rate of $0.75 for each $500.00 of consideration or fractional part thereof recited in the deed in excess of $150,000.00; provided however, that on and after the tenth day following a certification by the Director of the Division of Budget and Accounting in the Department of the Treasury pursuant to subsection b. of section 2 of P.L.1992, c.148 (C.46:15-10.2) [or] subsection b. of section 1 of P.L.1992, c.148 (C.13:19-16.1) as amended, or subsection b. of section 3 of P.L. [ ], c. (C.) (pending before the Legislature as this bill), the additional fee shall not be imposed; and

(3) A general purpose fee at the rate of:
   (a) $0.90 for each $500.00 of consideration or fractional part thereof recited in the deed that is not in excess of $550,000.00, except that in the case of a conveyance or transfer of property for which the total consideration recited in the deed does not exceed $350,000.00, no general purpose fee shall be imposed;
   (b) $1.40 for each $500.00 of consideration or fractional part thereof in excess of $550,000.00 but not in excess of $850,000.00 recited in the deed;
   (c) $1.90 for each $500.00 of consideration or fractional part thereof in excess of $850,000.00 but not in excess of $1,000,000.00 recited in the deed; and
   (d) $2.15 for each $500.00 of consideration or fractional part thereof in excess of $1,000,000.00 recited in the deed.

b. A deed subject to any of the fees established by this section, which is in fact recorded, shall be deemed to have been entitled to recording, notwithstanding that the amount of the consideration shall have been incorrectly stated or that the correct amount of such fee shall not have been paid. No such defect shall in any way affect or impair the validity of the title conveyed or render the same unmarketable; but the person or persons required to pay said additional fee at the time of recording shall be and remain liable to the county recording officer for the payment of the proper amount thereof.

(cf: P.L.2008, c.31, s.2)

5. Section 4 of P.L.1975, c.176 (C.46:15-10.1) is amended to read as follows:
4. a. The following transfers of title to real property shall be exempt from payment of the State portion of the basic fee:

(1) The sale of any one- or two-family residential premises which are owned and occupied by a senior citizen, blind person or disabled person who is the seller in such transaction; provided, however, that except in the instance of a husband and wife no exemption shall be allowed if the property being sold is jointly owned and one or more of the owners is not a senior citizen, blind person or disabled person.

(2) The sale of low and moderate income housing.

b. Transfers of title to real property upon which there is new construction shall be exempt from payment, with respect to all consideration therefor up to $150,000.00, of 80% of the State portion of the basic fee.

c. (1) The director shall promulgate rules, regulations and forms of certification otherwise necessary to carry out the provisions of this section.

(2) No transfer shall be eligible for more than one exemption under this section.

d. The balance of the State portion of the basic fee and the additional fee collected on transfers subject to exemption under subsection b. of this section shall be remitted to the State Treasurer and shall be credited to the Neighborhood Preservation Nonlapsing Revolving Fund established pursuant to P.L.1985, c.222 (C.52:27D-301 et al.), to be spent in the manner established under section 20 thereof (C.52:27D-320).

e. Subsections a. through d. of this section shall be without effect on and after the tenth day following a certification by the Director of the Division of Budget and Accounting in the Department of the Treasury pursuant to subsection b. of section 2 of P.L.1992, c.148 (C.46:15-10.2) [or] subsubparagraph (ii) of subparagraph (b) of paragraph (2) of subsection b. of section 1 of P.L.1992, c.148 (C.13:19-16.1) as amended, or subsection b. of section 3 of P.L.1992, c. (C. ) (pending before the Legislature as this bill).

(cf: P.L.2008, c.31, s.3)

6. This act shall take effect immediately.

STATEMENT

This bill directs the Department of Environmental Protection (DEP) to develop a forest harvest program to provide for the harvest of forest products on State-owned lands, excluding State-owned lands located in the Pinelands area, for which a forest stewardship plan has been developed. The program will allow forest
management activities on State-owned lands identified by the department.

The program to be directed by the DEP will require the commissioner to select a project manager to implement and supervise the program after public advertisements for bids therefor. A contract will be awarded to the bidder whose bid is most advantageous to the State. The duration of a contract will be five years. The duties of the project manager will include: (1) adopting a management plan developed through a public process, consistent with the provisions of the forest stewardship plan for the State-owned lands identified by the commissioner; (2) providing for the cutting and sale of wood on that land; (3) obtaining the best price for the wood; (4) obtaining all permits and approvals necessary to engage in forestry activities; (5) assuring that activities concerning the implementation of the forest stewardship plans on State-owned lands are consistent with the rules and regulations adopted pursuant to P.L.2009, c.256 (C.13:1L-29 et seq.) (which establishes standards for forest stewardship plans); and (6) developing a strategy for the creation of a viable economic market for forest products, including, but not limited to, the processing of forest products into wood pellets or other forms useful in producing alternative energy. The bill will require the project manager annually to prepare a written report concerning the program, and submit it to the Governor, the Legislature and the Chairpersons of the Senate Environment and Energy Committee and the Assembly Environment and Solid Waste Committee.

The bill also will require that all revenues be deposited into a dedicated, nonlapsing special account within the DEP for use by the DEP to cover the reasonable costs of implementing the program. Any remaining revenues will be deposited into a dedicated nonlapsing special account in the New Jersey Natural Lands Trust and be used only for restoration projects to increase biodiversity, or to enhance habitat for rare, threatened or endangered flora or fauna, on lands held or managed by the New Jersey Natural Lands Trust, in State parks and forests, or in State wildlife management areas. To assure that the revenues are used for the purpose stated in the bill, the bill includes a “poison pill” provision.