

[Second Reprint]

SENATE, No. 1954

STATE OF NEW JERSEY
214th LEGISLATURE

INTRODUCED MAY 20, 2010

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

SYNOPSIS

Establishes forest harvest program on State-owned land.

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on December 8, 2011, with amendments.



(Sponsorship Updated As Of: 12/2/2011)

1 AN ACT concerning forest harvest programs, supplementing
 2 ¹[various parts of the statutory law] P.L.1983, c.324 (C.13:1L-1
 3 et seq.)¹ and amending P.L.1968, c.49 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 ¹[aquifers] aquifers¹ ,
 15 and stabilize 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 disturbances
 25 ^{2,2} such as large-scale fires occurring every 50 to 60 years, served
 26 to restart forest growth and allow the emergence of early
 27 successional forests, open space and grassy areas necessary for
 28 certain wildlife species; that allowing such large-scale fires or other
 29 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 ²[forest thinning operations] sustainable silvicultural
 39 practices² , resulting in healthier ²[forest ecosystems] forests² ,
 40 ²[faster] improved² forest growth, and a reduction of catastrophic
 41 fire risk; that, presently, reducing fire hazards and thinning forests
 42 is expensive, because there exists no viable economic market for
 43 forest products resulting ¹[therefrom] therefrom¹ to pay for the

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SEN committee amendments adopted June 3, 2010.

²Senate SBA committee amendments adopted December 8, 2011.

1 processes; and that the creation of such a market would ensure a
2 balance of mature and young forest areas necessary to accommodate
3 the State's diverse wildlife and the lifestyle that has developed in
4 the region.

5 e. The Legislature further finds and declares that it is in the
6 public interest to explore ways to create an economic market for
7 forest products; that such products may serve as renewable biomass,
8 which may be used to produce energy; and that such renewable
9 sources of energy could reduce the use of coal and other fossil
10 fuels, thereby reducing carbon emissions.

11 f. The Legislature further finds and declares ¹[that a project
12 which includes the thinning of up to 15,000 forested acres of the
13 pinelands area may produce up to 300,000 tons of wood products
14 annually;]¹ that thinning the forests in State-owned ²[land] lands²
15 would provide much needed revenue to manage ²[the State's parks
16 and forests] State-owned forested lands²; that the establishment of
17 a viable market for such products would create "green" jobs for the
18 citizens of New Jersey and produce new revenue streams for the
19 State; and that such a market may provide the support necessary to
20 encourage responsible and sustainable forest stewardship
21 throughout the State.

22

23 ¹[2. (New section) a. The Pinelands Commission, in
24 consultation with the Department of Environmental Protection, shall
25 develop a forestry demonstration project to evaluate the
26 practicability and feasibility of establishing sustainable forest
27 management practices in the pinelands area supported by a viable
28 forest products market and biomass energy industry in New Jersey.
29 During the development of the demonstration project, the Pinelands
30 Commission shall consult with any other appropriate officials of
31 local governments and State or federal agencies with jurisdiction
32 over lands, waters and natural resources of the pinelands area, and
33 with interested professional, scientific and citizen organizations.
34 The demonstration project shall include forest management
35 activities affecting up to 6,000 forested acres annually in the
36 protection area and be conducted for a period of 10 years from the
37 date of enactment of P.L. , c. (C.) (pending before the
38 Legislature as this bill).

39 In developing the demonstration project, the commission shall:

40 (1) identify, in consultation with the department, State-owned
41 lands within the protection area on which the demonstration project
42 will occur;

43 (2) ensure that forest activities conform to requirements of the
44 Federal Act;

45 (3) authorize a combination of harvesting techniques; and

- 1 (4) ensure that forest activities conform to the "Pinelands
2 Protection Act," P.L.1979, c.111 (C.13:18A-1 et seq.), and the
3 comprehensive management plan.
- 4 b. The commission shall select a project manager to implement
5 and supervise the demonstration project after public advertisements
6 for bids therefor. A contract shall be awarded to that responsible
7 bidder whose bid, conforming to the invitation for bids, is most
8 advantageous to the State. The commission shall consider the price,
9 ability to manage the duties required of the project manager
10 pursuant to this section, and other factors.
- 11 c. The duties of the project manager shall include:
- 12 (1) developing a management plan consistent with the
13 provisions of P.L.1979, c.111 and the comprehensive management
14 plan;
- 15 (2) providing for the cutting and sale of wood;
- 16 (3) obtaining the best price for the harvested wood;
- 17 (4) obtaining all permits and approvals necessary to engage in
18 forestry activities; and
- 19 (5) developing a strategy for the creation of a viable economic
20 market for forest products, including, but not limited to, the
21 processing of forest products into wood pellets or other forms
22 useful in producing alternative energy.
- 23 d. The commission shall investigate the availability of, and
24 apply for, funds from the federal government, or any private or
25 public source, to finance any costs of the demonstration project.
- 26 e. The project manager shall annually prepare a written report
27 concerning the demonstration project during the implementation of
28 the demonstration project, and a final report within six months after
29 its completion, which shall be submitted to the commission, the
30 department, the Governor, the Legislature, pursuant to section 2 of
31 P.L.1991, c.164 (C.52:14-19.1), and the Chairpersons of the Senate
32 Environment and Energy Committee, and the Assembly
33 Environment and Solid Waste Committee, or their successor
34 committees. The final report shall include but not be limited to an
35 explanation of the procedures used in the project, a description of
36 the locations of the forestry activities performed pursuant to this
37 section, the number of tons of biomass harvested, the types of
38 biomass harvested, the number of tons of biomass sold, the buyers
39 of the biomass harvested, cost effectiveness of the management
40 techniques used during the demonstration project, environmental
41 problems encountered, an accounting of the costs of the project, and
42 any other information the commission deems appropriate.
- 43 f. The commission shall prepare and submit a report to the
44 Governor, the Legislature, pursuant to section 2 of P.L.1991, c.164
45 (C.52:14-19.1), and the Chairpersons of the Senate Environment
46 and Energy Committee and the Assembly Environment and Solid
47 Waste Committee or their successor committees, no later than one
48 year following completion of the demonstration project. The report

1 shall describe the results of the demonstration project and shall
2 include recommendations for further administrative or legislative
3 action.]¹

4
5 ¹[3.] 2.¹ (New section) a. The Department of Environmental
6 Protection shall develop a ²[forestry] forest² harvest program to
7 provide for the harvest of forest products on State-owned lands ²,
8 excluding State-owned lands in the Pinelands area,² for which a
9 forest stewardship plan has been developed. The ²[harvest]²
10 program shall allow forest management activities on State-owned
11 ²[land] lands² identified by the department.

12 In developing the program, the department shall:

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

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

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

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

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

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

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

36 (8)² establish standards for the program for the cutting and sale
37 of wood; and

38 ²[(4)] (9)² authorize a combination of harvesting techniques.

39 b. The commissioner shall select a project manager to
40 implement and supervise the program after public advertisements
41 for bids therefor. A contract shall be awarded to that responsible
42 bidder whose bid, conforming to the invitation for bids, is most
43 advantageous to the State. In awarding a contract, the
44 commissioner shall consider the price, the ability to manage the
45 duties required of the project manager pursuant to ²[P.L. , c. (C.
46) (pending before the Legislature as this bill)] this section² , and

- 1 other ²appropriate² factors. The duration of a contract shall be five
2 years.
- 3 c. The duties of the project manager shall include:
- 4 (1) ~~'[developing]~~ adopting¹ a management plan ¹, developed
5 through a public process including a public notice, hearing, and
6 comment period,¹ consistent with the provisions of the forest
7 stewardship plans for the State-owned lands identified by the
8 commissioner pursuant to subsection a. of this section;
- 9 (2) providing for the cutting and sale of wood;
- 10 (3) obtaining the best price for the harvested wood;
- 11 (4) obtaining all permits and approvals necessary to engage in
12 forestry activities;
- 13 (5) assuring that activities concerning the implementation of the
14 forest stewardship plans on State-owned lands are consistent with
15 the rules and regulations adopted pursuant to P.L.2009, c.256
16 (C.13:1L-29 et seq.); and
- 17 (6) developing a strategy for the creation of a viable economic
18 market for forest products, including, but not limited to, the
19 processing of forest products into wood pellets or other forms
20 useful in producing alternative energy.
- 21 d. The department shall investigate the availability of, and
22 apply for, funds from the federal government, or any private or
23 public source, to finance any costs of the program.
- 24 e. All revenues for the program shall be deposited into a
25 dedicated, nonlapsing special account within the Department of
26 Environmental Protection. Moneys in the account shall be used by
27 the department ²~~[only for the operation and management of the~~
28 ~~State's parks and forests]~~ to cover the reasonable costs of
29 implementing the program. Any remaining revenues shall be
30 deposited into a dedicated nonlapsing special account in the New
31 Jersey Natural Lands Trust, to be used only for restoration projects
32 to increase biodiversity, or to enhance habitat for rare, threatened or
33 endangered flora or fauna, on lands held or managed by the New
34 Jersey Natural Lands Trust, in State parks and forests, or in State
35 wildlife management areas. Interest earnings and any return on
36 investment of moneys deposited in the account shall be credited to
37 the account. Moneys in the account may be disbursed by the trust
38 for projects upon written request by the forest stewardship advisory
39 committee established pursuant to section 8 of P.L.2009, c.256
40 (C.13:1L-36)².
- 41 f. The project manager shall annually prepare a written report
42 concerning the program, which shall be submitted to the
43 commissioner, the Governor, the Legislature ²~~[,]~~² pursuant to
44 section 2 of P.L.1991, c.164 (C.52:14-19.1), and the Chairpersons
45 of the Senate Environment and Energy Committee and the
46 Assembly Environment and Solid Waste Committee, or their
47 successor committees. The report shall include but not be limited to

1 an explanation of the ²harvesting² procedures used, a description of
 2 the locations of the forestry activities performed pursuant to this
 3 section, ²the ecological goals for each area on which harvesting has
 4 occurred, the forest regeneration procedures employed at each
 5 area,² the number of tons of biomass harvested, the types of
 6 biomass harvested, the number of tons of biomass sold, the buyers
 7 of the biomass harvested, cost effectiveness of the management
 8 techniques used, environmental problems encountered, an
 9 accounting of the costs of the program, and any other information
 10 the commissioner deems appropriate.

11

12 ¹[4.] 3.¹ (New section) a. The annual appropriations act for
 13 each State fiscal year shall, without other conditions, limitations or
 14 restrictions, appropriate the program revenues to the special account
 15 as provided in subsection e. of section ¹[3] 2¹ of
 16 P.L. , c. (C.) (pending before the Legislature as this bill) for
 17 use by the ²New Jersey Natural Lands Trust or the² department for
 18 the purposes set forth therein.

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

30

31 ¹[5.] 4.¹ Section 3 of P.L.1968, c.49 (C.46:15-7) is amended to
 32 read as follows:

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

37 (1) A basic fee, which basic fee shall consist of (a) a State
 38 portion at the rate of \$1.25 for each \$500.00 of consideration or
 39 fractional part thereof recited in the deed, and (b) a county portion
 40 at the rate of \$0.50 for each \$500.00 of consideration or fractional
 41 part thereof so recited; provided however, that on and after the tenth
 42 day following a certification by the Director of the Division of
 43 Budget and Accounting in the Department of the Treasury pursuant
 44 to subsection b. of section 2 of P.L.1992, c.148 (C.46:15-10.2) **[or]**
 45 subsubparagraph (ii) of subparagraph (b) of paragraph (2) of
 46 subsection b. of section 1 of P.L.1992, c.148 (C.13:19-16.1) as
 47 amended, or subsection b. of section ¹[4] 3¹ of P.L. , c. (C.)

1 (pending before the Legislature as this bill), the State portion of the
2 basic fee shall not be imposed;

3 (2) An additional fee at the rate of \$0.75 for each \$500.00 of
4 consideration or fractional part thereof recited in the deed in excess
5 of \$150,000.00; provided however, that on and after the tenth day
6 following a certification by the Director of the Division of Budget
7 and Accounting in the Department of the Treasury pursuant to
8 subsection b. of section 2 of P.L.1992, c.148 (C.46:15-10.2) **[or]** ,
9 subsubparagraph (ii) of subparagraph (b) of paragraph (2) of
10 subsection b. of section 1 of P.L.1992, c.148 (C.13:19-16.1) as
11 amended, or subsection b. of section ¹[4] ³ of P.L. , c. (C.)
12 (pending before the Legislature as this bill), the additional fee shall
13 not be imposed; and

14 (3) A general purpose fee at the rate of:

15 (a) \$0.90 for each \$500.00 of consideration or fractional part
16 thereof recited in the deed that is not in excess of \$550,000.00,
17 except that in the case of a conveyance or transfer of property for
18 which the total consideration recited in the deed does not exceed
19 \$350,000.00, no general purpose fee shall be imposed;

20 (b) \$1.40 for each \$500.00 of consideration or fractional part
21 thereof in excess of \$550,000.00 but not in excess of \$850,000.00
22 recited in the deed;

23 (c) \$1.90 for each \$500.00 of consideration or fractional part
24 thereof in excess of \$850,000.00 but not in excess of \$1,000,000.00
25 recited in the deed; and

26 (d) \$2.15 for each \$500.00 of consideration or fractional part
27 thereof in excess of \$1,000,000.00 recited in the deed.

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

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

39

40 ¹**[6.] 5.** Section 4 of P.L.1975, c.176 (C.46:15-10.1) is
41 amended to read as follows:

42 4. a. The following transfers of title to real property shall be
43 exempt from payment of the State portion of the basic fee:

44 (1) The sale of any one- or two-family residential premises
45 which are owned and occupied by a senior citizen, blind person or
46 disabled person who is the seller in such transaction; provided,
47 however, that except in the instance of a husband and wife no
48 exemption shall be allowed if the property being sold is jointly

1 owned and one or more of the owners is not a senior citizen, blind
2 person or disabled person.

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

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

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

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

13 d. The balance of the State portion of the basic fee and the
14 additional fee collected on transfers subject to exemption under
15 subsection b. of this section shall be remitted to the State Treasurer
16 and shall be credited to the Neighborhood Preservation Nonlapsing
17 Revolving Fund established pursuant to P.L.1985, c.222 (C.52:27D-
18 301 et al.), to be spent in the manner established under section 20
19 thereof (C.52:27D-320).

20 e. Subsections a. through d. of this section shall be without
21 effect on and after the tenth day following a certification by the
22 Director of the Division of Budget and Accounting in the
23 Department of the Treasury pursuant to subsection b. of section 2 of
24 P.L.1992, c.148 (C.46:15-10.2) **[or]** ¹ subsubparagraph (ii) of
25 subparagraph (b) of paragraph (2) of subsection b. of section 1 of
26 P.L.1992, c.148 (C.13:19-16.1) as amended , or subsection b. of
27 section ¹[4 of] ³ of P.L. , c. (C.) (pending before the
28 Legislature as this bill).

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

30

31 ¹**[7.] 6.** This act shall take effect immediately.