

13:1L-14.1 to 13:1L-14.3

LEGISLATIVE HISTORY CHECKLIST
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(Destroy trees-state ownership)

NJSA: 13:1L-14.1 to 13:1L-14.3

LAWS OF: 1993 **CHAPTER:** 106

BILL NO: A1237

SPONSOR(S) Geist and Rooney

DATE INTRODUCED: April 13, 1992

COMMITTEE: **ASSEMBLY:** Environment
SENATE: Environment

AMENDED DURING PASSAGE: Yes Amendments during passage
Third reprint enacted denoted by superscript numbers

DATE OF PASSAGE: **ASSEMBLY:** June 11, 1992
SENATE: March 29, 1993

DATE OF APPROVAL: April 13, 1993

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes
SENATE: Yes

FISCAL NOTE: Yes

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG:pp

[THIRD REPRINT]
ASSEMBLY, No. 1237
STATE OF NEW JERSEY

INTRODUCED APRIL 13, 1992

By Assemblymen GEIST and ROONEY

1 AN ACT concerning the replacement of destroyed trees on
2 certain forested areas owned or maintained by State entities,
3 and supplementing Title 13 of the Revised Statutes.

4

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

7 1. As used in this act:

8 "Division" means the Division of Parks and Forestry in the
9 Department of Environmental Protection.

10 "State entity" means a department, agency, or office of State
11 government, including a State university or college, or an
12 authority created by the State.

13 2. a. ¹[Whenever a forested area at least one acre in size that
14 is owned or maintained by a State entity is to be deforested due
15 to construction or other activities on that property, the State
16 entity shall establish a goal of no net loss of forested area. The
17 State entity shall develop and implement a plan to achieve the no
18 net loss goal for the site at which the trees to be destroyed are
19 located, which plan shall be approved by the Division of Parks and
20 Forestry in the Department of Environmental Protection.] Each
21 State entity, by ³[January] July³ 1, 1993, and at least annually
22 thereafter, shall develop, and submit to the Division of Parks and
23 Forestry in the Department of Environmental Protection, a plan
24 for compensatory reforestation ²[of any land] for all areas² at
25 least one acre in size that is owned or maintained by that State
26 entity and is scheduled for deforestation. A reforestation plan
27 required pursuant to this act shall establish a goal of no net loss
28 of forested area, based upon ²an approximation of² at least ^{2a}2
29 one-for-one replacement of trees lost due to deforestation, and
30 shall be subject to approval of the division. No project that
31 would deforest land at least one acre of size that is owned or
32 maintained by a State entity may be commenced without
33 approval of that State entity's plan by the division.¹

34 b. A ¹reforestation¹ plan developed pursuant to subsection a.
35 of this section may provide:

36 (1) that tree planting be conducted off-site by the State
37 entity, if the division determines that it is not practicable to
38 conduct the tree planting efforts on-site. Off-site property may
39 include property owned or maintained by a State entity other
40 than the one developing and implementing the plan if the State
41 entity that is to receive the benefits of the off-site tree planting
42 efforts agrees thereto:

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:

¹ Assembly AEN committee amendments adopted June 3, 1992.

² Senate SEN committee amendments adopted October 22, 1992.

³ Senate floor amendments adopted February 9, 1993.

1 (2) that the State entity plant seedlings to meet the goal of no
2 net loss of forested area, which seedlings shall be planted from
3 six to 10 feet apart, or at a distance mutually agreed to by the
4 division and the State entity; and

5 (3) for the planting of species of trees or seedlings that are
6 obtainable from a tree nursery owned and operated by the State,
7 including, but not limited to, such species as white pine, Norway
8 spruce, pitch pine, shortleaf pine, loblolly pine, Virginia pine,
9 oaks, ash, poplar, sweet gum, and black locust. Subject to
10 availability from a State tree nursery, the trees used in
11 reforestation by a State entity pursuant to this act shall be those
12 that are the most suitable for the site.

13 3. The requirements of this act shall not apply to activities
14 that are deemed by the division to constitute standard forestry or
15 ¹[arborcultural] arboricultural¹ practices.

16 4. This act shall take effect immediately.
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21 Requires certain State entities to develop reforestation plans.

STATEMENT

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This bill would require that whenever a forested area of at least one acre in size that is owned or maintained by a State entity is to be deforested due to construction or other activities on that property, the State entity shall establish a goal of no net loss of forested area. The State entity would be required to develop and implement a plan to achieve the no net loss goal for the site that is to be deforested, which plan would be required to be approved by the Division of Parks and Forestry in the Department of Environmental Protection and Energy.

An approved plan may provide that tree planting efforts be conducted off-site by the State entity, if the Division of Parks and Forestry determines that it is not practicable to conduct the tree planting efforts on-site. Off-site property may include property owned or maintained by a State entity other than the one developing and implementing the plan if the State entity that is to receive the benefits of the off-site tree planting efforts agrees thereto. The plan may also provide that the State entity plant seedlings to meet the goal of no net loss of forested area, and that the seedlings be obtained from a State tree nursery. Finally, the bill provides that the requirements of the act would not apply to activities that are deemed by the division to constitute standard forestry or arborcultural practices.

Requires State entities to replace certain trees destroyed due to construction or other activities.

ASSEMBLY ENVIRONMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1237

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JUNE 8, 1992

The Assembly Environment Committee favorably reports Assembly Bill No. 1237 with Assembly committee amendments.

This bill as introduced would require that whenever a forested area of at least one acre in size that is owned or maintained by a State entity is to be deforested due to construction or other activities on that property, the State entity shall establish a goal of no net loss of forested area. The State entity would be required to develop and implement a plan to achieve the no net loss goal for the site that is to be deforested, which plan would be required to be approved by the Division of Parks and Forestry in the Department of Environmental Protection and Energy.

The committee amended the bill to provide that each State entity as defined in the bill, by January 1, 1993, and at least annually thereafter, shall develop, and submit to the Division of Parks and Forestry in the Department of Environmental Protection, a plan for compensatory reforestation of any land at least one acre in size that is owned or maintained by that State entity and is scheduled for deforestation. A reforestation plan required pursuant to the bill shall establish a goal of no net loss of forested area, based upon at least one-for-one replacement of trees lost due to deforestation, and shall be subject to approval of the Division of Parks and Forestry. No project that would deforest land at least one acre of size that is owned or maintained by a State entity may be commenced without approval of that State entity's plan by the Division of Parks and Forestry.

An approved plan may provide that tree planting efforts be conducted off-site by the State entity, if the Division of Parks and Forestry determines that it is not practicable to conduct the tree planting efforts on-site. Off-site property may include property owned or maintained by a State entity other than the one developing and implementing the plan if the State entity that is to receive the benefits of the off-site tree planting efforts agrees thereto. The plan may also provide that the State entity plant seedlings to meet the goal of no net loss of forested area, and that the seedlings be obtained from a State tree nursery. Finally, the bill provides that the requirements of the act would not apply to activities that are deemed by the division to constitute standard forestry or arboricultural practices.

The committee also made technical amendments to the bill.

SENATE ENVIRONMENT COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 1237

with Senate committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 22, 1992

The Senate Environment Committee favorably reports Assembly Bill No. 1237(1R) with committee amendments.

As amended this bill would require that whenever a forested area of at least one acre in size that is owned or maintained by a State entity is to be deforested due to construction or other activities on that property, the State entity shall prepare a reforestation plan establishing a goal of no net loss of forested area. The bill provides that each State entity as defined in the bill, by January 1, 1993, and at least annually thereafter, shall develop, and submit to the Division of Parks and Forestry in the Department of Environmental Protection, a plan for compensatory reforestation of any land at least one acre in size that is owned or maintained by that State entity and is scheduled for deforestation. A reforestation plan required pursuant to the bill shall establish a goal of no net loss of forested area, based upon an approximation at least a one-for-one replacement of trees lost due to deforestation. The plan shall be subject to approval of the Division of Parks and Forestry. No project that would deforest land at least one acre of size that is owned or maintained by a State entity may be commenced without approval of that State entity's plan by the Division of Parks and Forestry.

An approved plan may provide that tree planting efforts be conducted off-site by the State entity, if the Division of Parks and Forestry determines that it is not practicable to conduct the tree planting efforts on-site. Off-site property may include property owned or maintained by a State entity other than the one developing and implementing the plan if the State entity that is to receive the benefits of the off-site tree planting efforts agrees thereto. The plan may also provide that the State entity plant seedlings to meet the goal of no net loss of forested area, and that the seedlings be obtained from a State tree nursery. Finally, the bill provides that the requirements of the act would not apply to activities that are deemed by the division to constitute standard forestry or arboricultural practices.

The committee amended the bill to allow for the approximation of a one-for-one replacement of trees so as not to require an actual counting of trees. A committee amendment also allowed for the preparation of plans for more than one area thus avoiding the need for separate plans for each site.

LEGISLATIVE FISCAL ESTIMATE TO

[FIRST REPRINT]

ASSEMBLY, No. 1237

STATE OF NEW JERSEY

DATED: July 2, 1992

Assembly Bill No. 1237 [1R] of 1992 requires that each department, agency, and office of State government, including each State university, college, and authority, must develop and submit a plan by January 1, 1993, with annual updates thereafter, for compensatory reforestation of any land one acre or more in size that is owned or maintained by that State entity and is scheduled for deforestation. The plan is to be submitted for approval to the Department of Environmental Protection and Energy's Division of Parks and Forestry and shall establish a goal of no net loss of the affected forested area, based upon at least one-for-one replacement of trees lost due to deforestation.

The bill directs that an approved plan may provide that tree planting could be conducted off-site if the division determines that it is not practicable to conduct such efforts on-site. It may also include standards concerning the planting and spacing of seedlings as well as the usage of certain tree species from State nurseries. The bill does not include an appropriation.

The Office of Legislative Services estimates that the department's administrative costs to operate this program will be minimal once the initial plans are reviewed and approved. Since the number of State-owned acres that are scheduled for deforestation is not known at this time, the number of plans to be reviewed by January 1, 1993 cannot be ascertained. Due to the bill's timetable, however, it may be necessary to hire outside consultants to perform the initial review of these plans. Based on similar work contracted by the department, the estimated cost should be no more than \$50,000. Thereafter, existing staff should be able to perform plan updates as required by the bill, although this can best be determined once the program is fully implemented and operational.

If General Fund monies are not available to support program expenses, a possible funding source could be derived from a fee charged to a State entity to cover the costs of the initial plan review and subsequent updates. It should also be noted that any costs incurred from the development of a tree planting plan or from actual tree replacement would have to be borne by the affected State entity.

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.