

COMMITTEE STATEMENT:

ASSEMBLY:

Yes

S254

Identical to Assembly statement to

SENATE:

No

FLOOR AMENDMENT STATEMENTS:

No

LEGISLATIVE FISCAL ESTIMATE:

Yes

Identical to fiscal note to S254

VETO MESSAGE:

No

GOVERNOR'S PRESS RELEASE ON SIGNING:

No

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SENATE, No. 254

STATE OF NEW JERSEY
209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

Sponsored by:

Senator JOHN O. BENNETT

District 12 (Monmouth)

Senator ANTHONY R. BUCCO

District 25 (Morris)

Co-Sponsored by:

Senator Allen

SYNOPSIS

Concerns reforestation of lands by State entities.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning reforestation of land, and amending and
2 supplementing P.L.1993, c.106.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 2 of P.L.1993, c.106 (C.13:1L-14.2) is amended to
8 read as follows:

9 2. a. Each State entity, by July 1, 1993, and at least annually
10 thereafter, shall develop, and submit to the Division of Parks and
11 Forestry in the Department of Environmental Protection, a plan for
12 compensatory reforestation for all areas at least ~~[one]~~ one-half acre in
13 size that is owned or maintained by that State entity and is scheduled
14 for deforestation. A reforestation plan required pursuant to this act
15 shall establish a goal of no net loss of forested area, based upon an
16 approximation of at least a one-for-one replacement of trees lost due
17 to deforestation, and shall be subject to approval of the division. No
18 project that would deforest land at least ~~[one]~~one-half acre of size
19 that is owned or maintained by a State entity may be commenced
20 without approval of that State entity's plan by the division. A
21 reforestation plan shall provide that if tree planting cannot be
22 conducted adjacent to the deforested area, that it be conducted either
23 within the municipality in which the deforestation occurred or within
24 five miles of the site of the deforestation, if the division determines
25 that it is not practicable to conduct the tree planting efforts within the
26 municipality.

27 b. A reforestation plan developed pursuant to subsection a. of this
28 section may provide:

29 (1) that tree planting be conducted off-site by the State entity, if
30 the division determines that it is not practicable to conduct the tree
31 planting efforts on-site. Off-site property may include property owned
32 or maintained by a State entity other than the one developing and
33 implementing the plan if the State entity that is to receive the benefits
34 of the off-site tree planting efforts agrees thereto;

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

39 (3) for the planting of species of trees or seedlings that are
40 obtainable from a tree nursery owned and operated by the State,
41 including, but not limited to, such species as white pine, Norway
42 spruce, pitch pine, shortleaf pine, loblolly pine, Virginia pine, oaks,
43 ash, poplar, sweet gum, and black locust. Subject to availability from

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 a State tree nursery, the trees used in reforestation by a State entity
2 pursuant to this act shall be those that are the most suitable for the
3 site.

4 (cf: P.L.1993, c.106, s.2).

5

6 2. (New section) When a State entity owns or maintains land on
7 which an area of at least one-half acre in size is scheduled for
8 deforestation, at least 180 days prior to the deforestation of the area
9 the State entity shall hold at least one public hearing within the
10 municipality in which the deforestation is scheduled, to present its plan
11 for deforestation and its plan for reforestation. The public shall be
12 permitted to present oral and written comments to the State entity.
13 No more than 60 days after the comment period has closed, the State
14 entity shall publish written responses to the comments presented.

15

16 3. This act shall take effect immediately.

17

18

19

STATEMENT

20

21 This bill would amend and supplement the law concerning the
22 reforestation of land that is owned or maintained by a State entity.
23 Current law requires that every State entity have in place a plan for
24 compensatory reforestation for all areas at least one acre in size
25 scheduled for deforestation that is owned or maintained by a State
26 entity. This bill would require a plan when area scheduled for
27 deforestation is one-half acre in size. The bill would also require that
28 if the reforestation cannot be conducted adjacent to the deforested
29 area, that the reforestation be within the municipality or within five
30 acres of the deforested area. Finally, the bill would require that the
31 State entity hold a public hearing within the municipality in which the
32 deforestation is scheduled, to present its plan for deforestation and its
33 plan for reforestation. The public shall be permitted to present oral
34 and written comments to the State entity. No more than 60 days after
35 the comment period has closed, the State entity shall publish written
36 responses to the comments presented.

SENATE ENVIRONMENT COMMITTEE

STATEMENT TO

SENATE, No. 254

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 17, 2000

The Senate Environment Committee reports favorably and with committee amendments Senate Bill No. 254.

This bill, as amended, would amend and supplement the law concerning the reforestation of land that is owned or maintained by a State entity. Current law requires that every State entity have in place a plan for compensatory reforestation for all areas at least one acre in size scheduled for deforestation that is owned or maintained by a State entity. This bill would require a plan when area scheduled for deforestation is one-half acre in size. The bill would also require that if the reforestation cannot be conducted adjacent to the deforested area, that the reforestation be within the municipality or within five miles of the deforested area. Finally, the bill, as amended, would require that in instances when one acre or more of forest would be deforested, the State entity would be required to hold a public forum within the municipality in which the deforestation is scheduled, to present its plan for deforestation and its plan for reforestation. The public would be permitted to present oral and written comments to the State entity. No more than 60 days after the comment period has closed, the State entity would be required to provide written responses to the comments presented. The bill, as amended would take effect immediately but remain inoperative until 180 days following enactment.

The committee amended the bill to change the requirement to hold a public hearing to a requirement to hold a public forum, and to delay the effective date until 180 days following enactment. The committee also make clarifying amendments concerning the provisions of a reforestation plan prepared pursuant to the bill.

This bill was pre-filed for introduction in the 2000 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

[First Reprint]
SENATE, No. 254

STATE OF NEW JERSEY
209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

Sponsored by:

Senator JOHN O. BENNETT

District 12 (Monmouth)

Senator ANTHONY R. BUCCO

District 25 (Morris)

Co-Sponsored by:

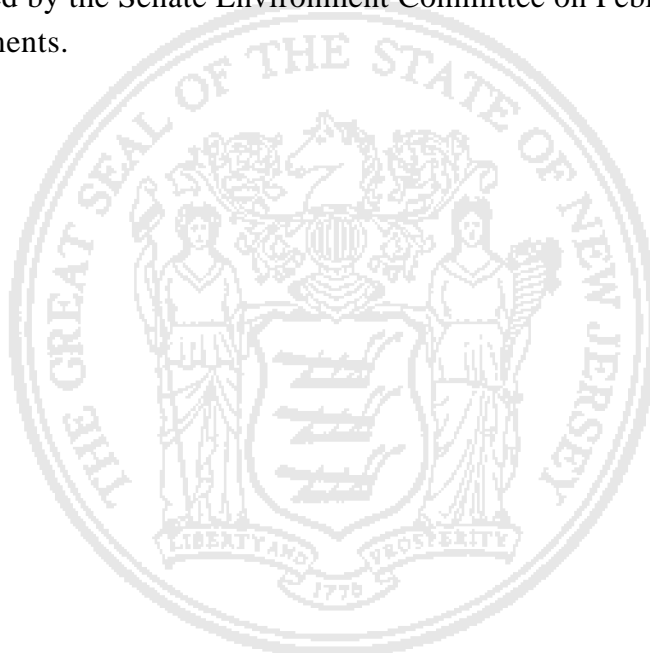
Senator Allen

SYNOPSIS

Concerns reforestation of lands by State entities.

CURRENT VERSION OF TEXT

As reported by the Senate Environment Committee on February 17, 2000,
with amendments.



1 AN ACT concerning reforestation of land, and amending and
2 supplementing P.L.1993, c.106.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 2 of P.L.1993, c.106 (C.13:1L-14.2) is amended to
8 read as follows:

9 2. a. Each State entity, by July 1, 1993, and at least annually
10 thereafter, shall develop, and submit to the Division of Parks and
11 Forestry in the Department of Environmental Protection, a plan for
12 compensatory reforestation for all areas at least ~~[one]~~ one-half acre
13 in size that is owned or maintained by that State entity and is
14 scheduled for deforestation. A reforestation plan required pursuant to
15 this act shall establish a goal of no net loss of forested area, based
16 upon an approximation of at least a one-for-one replacement of trees
17 lost due to deforestation, ¹shall provide for the use of native species
18 when practicable,¹ and shall be subject to approval of the division. No
19 project that would deforest land at least ~~[one]~~ one-half acre of size
20 that is owned or maintained by a State entity may be commenced
21 without approval of that State entity's plan by the division.

22 A reforestation plan shall provide that if tree planting cannot be
23 conducted adjacent to the deforested area, that it be conducted either
24 within the municipality in which the deforestation occurred or within
25 five miles of the site of the deforestation, if the division determines
26 that it is not practicable to conduct the tree planting efforts within the
27 municipality.

28 ¹The plan may provide that the shape of the configuration of the
29 reforested area may be substantially similar to the shape or
30 configuration of the deforested area.¹

31 b. A reforestation plan developed pursuant to subsection a. of this
32 section may provide:

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

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

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SEN committee amendments adopted February 17, 2000.

1 State entity; and

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

10 (cf: P.L.1993, c.106, s.2).

11

12 2. (New section) When a State entity owns or maintains land on
13 which an area of at least ¹[one-half] one¹ acre in size is scheduled for
14 deforestation, at least 180 days prior to the deforestation of the area
15 the State entity shall hold at least one public ¹[hearing] forum¹ within
16 the municipality in which the deforestation is scheduled, ¹or, if the
17 forested area scheduled for deforestation spans more than one
18 municipality, in any one of the municipalities in which deforestation is
19 scheduled,¹ to present its plan for deforestation and its plan for
20 reforestation. The public shall be permitted to present oral and written
21 comments to the State entity. No more than 60 days after the
22 comment period has closed, the State entity shall ¹[publish] provide¹
23 written responses to the comments presented.

24 ¹Whenever a public process is already required by any other state
25 or federal law, or any rule or regulation adopted pursuant thereto, for
26 a project that includes forested land scheduled for deforestation, the
27 State entity shall not be required to conduct a separate public forum
28 to comply with the provisions of this section, provided that the public
29 forum requirements established herein are also met at the public forum
30 or hearing conducted pursuant to any other state or federal law.¹

31

32 3. This act shall take effect immediately ¹but shall be inoperative
33 until the 180th day after enactment¹.

STATEMENT TO
[First Reprint]
SENATE, No. 254

with Senate Floor Amendments
(Proposed By Senator Bennett)

ADOPTED: JUNE 8, 2000

These amendments would provide that the requirements set forth in the bill, and in the law which the bill amends, do not apply to activities deemed by the Department of Environmental Protection to be standard wildlife management practices. The amendments also revise the exemptions for standard forestry and standard arboricultural practices, as set forth in the current law, to make them consistent with the terminology used for the standard wildlife management practices exemption prescribed by the amendment. Finally, the amendments make technical and clarifying amendments to the bill and the existing law.

[Second Reprint]

SENATE, No. 254

STATE OF NEW JERSEY
209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

Sponsored by:

Senator JOHN O. BENNETT

District 12 (Monmouth)

Senator ANTHONY R. BUCCO

District 25 (Morris)

Co-Sponsored by:

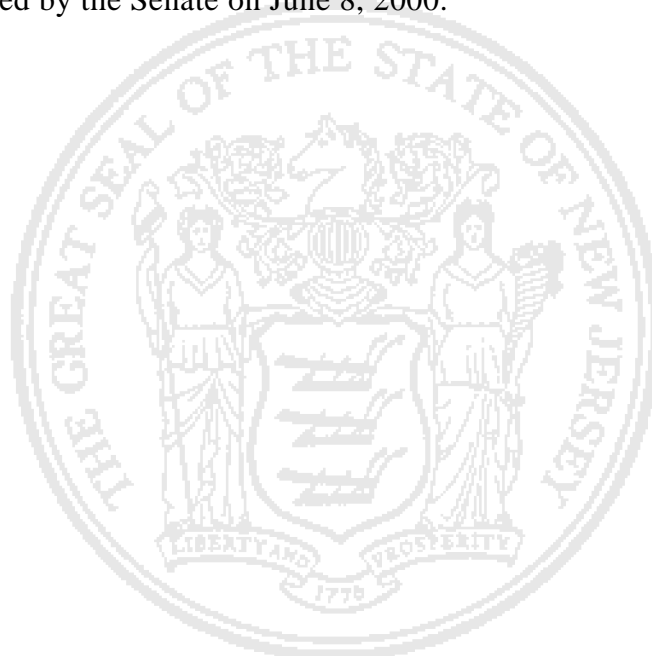
Senators Allen and Matheussen

SYNOPSIS

Concerns reforestation of lands by State entities.

CURRENT VERSION OF TEXT

As amended by the Senate on June 8, 2000.



(Sponsorship Updated As Of: 6/27/2000)

1 AN ACT concerning reforestation of land, and amending and
2 supplementing P.L.1993, c.106.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 2 of P.L.1993, c.106 (C.13:1L-14.2) is amended
8 to ²[dead] read² as follows:

9 2. a. Each State entity, by July 1, 1993, and at least annually
10 thereafter, shall develop, and submit to the Division of Parks and
11 Forestry in the Department of Environmental Protection, a plan for
12 compensatory reforestation for all areas at least [one] one-half acre
13 in size that ²[is] are² owned or maintained by that State entity and
14 ²[is] are² scheduled for deforestation. A reforestation plan required
15 pursuant to this act shall establish a goal of no net loss of forested
16 area, based upon an approximation of at least a one-for-one
17 replacement of trees lost due to deforestation, ¹shall provide for the
18 use of native species when practicable,¹ and shall be subject to
19 approval of the division. No project that would deforest land at least
20 [one] one-half acre of size that is owned or maintained by a State
21 entity may be commenced without approval of that State entity's plan
22 by the division.

23 A reforestation plan shall provide that if tree planting cannot be
24 conducted adjacent to the deforested area, that it be conducted either
25 within the municipality in which the deforestation occurred or within
26 five miles of the site of the deforestation, if the division determines
27 that it is not practicable to conduct the tree planting efforts within the
28 municipality.

29 ¹The plan may provide that the shape ²[of the] or² configuration
30 of the reforested area may be substantially similar to the shape or
31 configuration of the deforested area.¹

32 b. A reforestation plan developed pursuant to subsection a. of this
33 section may provide:

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

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SEN committee amendments adopted February 17, 2000.

² Senate floor amendments adopted June 8, 2000.

1 (2) that the State entity plant seedlings to meet the goal of no net
2 loss of forested area, which seedlings shall be planted from six to 10
3 feet apart, or at a distance mutually agreed to by the division and the
4 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, oaks,
9 ash, poplar, sweet gum, and black locust. Subject to availability from
10 a State tree nursery, the trees used in reforestation by a State entity
11 pursuant to this act shall be those that are the most suitable for the
12 site.

13 (cf: P.L.1993, c.106, s.2)

14

15 2. (New section) When a State entity owns or maintains land on
16 which an area of at least ¹[one-half] one¹ acre in size is scheduled for
17 deforestation, at least 180 days prior to the deforestation of the area
18 the State entity shall hold at least one public ¹[hearing] forum¹ within
19 the municipality in which the deforestation is scheduled, ¹or, if the
20 forested area scheduled for deforestation spans more than one
21 municipality, in any one of the municipalities in which deforestation is
22 scheduled,¹ to present its plan for deforestation and its plan for
23 reforestation. The public shall be permitted to present oral and written
24 comments to the State entity. No more than 60 days after the
25 comment period has closed, the State entity shall ¹[publish] provide¹
26 written responses to the comments presented.

27 ¹Whenever a public process is already required by any other
28 ²[state] State² or federal law, or any rule or regulation adopted
29 pursuant thereto, for a project that includes forested land scheduled
30 for deforestation, the State entity shall not be required to conduct a
31 separate public forum to comply with the provisions of this section,
32 provided that the public forum requirements established herein are also
33 met at the public forum or hearing conducted pursuant to any other
34 ²[state] State² or federal law.¹

35

36 ²3. Section 3 of P.L.1993, c.106 (C.13:1L-14.3) is amended to
37 read as follows:

38 3. The requirements of this act shall not apply to activities that are
39 deemed by the [division] Department of Environmental Protection to
40 constitute standard [forestry] forest management, wildlife
41 management, or arboricultural management practices.²

42 (cf: P.L.1993, c.106, s.3)

43

44 ²[3.] 4.² This act shall take effect immediately ¹but shall be
45 inoperative until the 180th day after enactment¹.

ASSEMBLY ENVIRONMENT COMMITTEE

STATEMENT TO

[Second Reprint]

SENATE, No. 254

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 21, 2000

The Assembly Environment Committee reports favorably and with committee amendments Senate Bill No. 254 (2R).

This bill, as amended by the committee, would amend and supplement current law concerning the reforestation of land that is owned or maintained by a State entity. Current law requires that every State entity have in place a plan for compensatory reforestation for all areas at least one acre in size scheduled for deforestation that are owned or maintained by a State entity. This bill would require a plan whenever the area scheduled for deforestation is at least one-half acre in size, and would provide that the plan be subject to the approval of the Department of Environmental Protection's Division of Parks and Forestry (division), after review and comment by the Community Forestry Council.

This bill would provide that the division develop, with the advice and assistance of the Community Forestry Council, a list of guideline elements required for reforestation plans. The bill would also establish specific requirements for reforestation plans. In addition, under the bill, a reforestation plan must provide that, if tree planting adjacent to the deforested area is not feasible, it shall be conducted in the following order: within the municipality in which the deforestation occurred, within five miles of the site of deforestation, or off-site.

Also, the bill would require that whenever an area of at least one acre in size is scheduled for deforestation, the State entity would conduct a public forum at least 180 days prior to the deforestation to present its plans for deforestation and reforestation. The bill would provide the opportunity for public comment and require the State entity to provide written responses to public comments received.

Lastly, the bill would take effective immediately but would not apply to capital construction projects scheduled to be advertised for bid by a State entity within one year after the date of enactment.

The committee amendments make the bill identical to the companion Assembly bill as also amended and reported by the committee.

As amended and reported by the committee, this bill is identical to Assembly Bill No. 2570 as also amended and reported by the committee.

[Third Reprint]

SENATE, No. 254

STATE OF NEW JERSEY
209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

Sponsored by:

Senator JOHN O. BENNETT

District 12 (Monmouth)

Senator ANTHONY R. BUCCO

District 25 (Morris)

Co-Sponsored by:

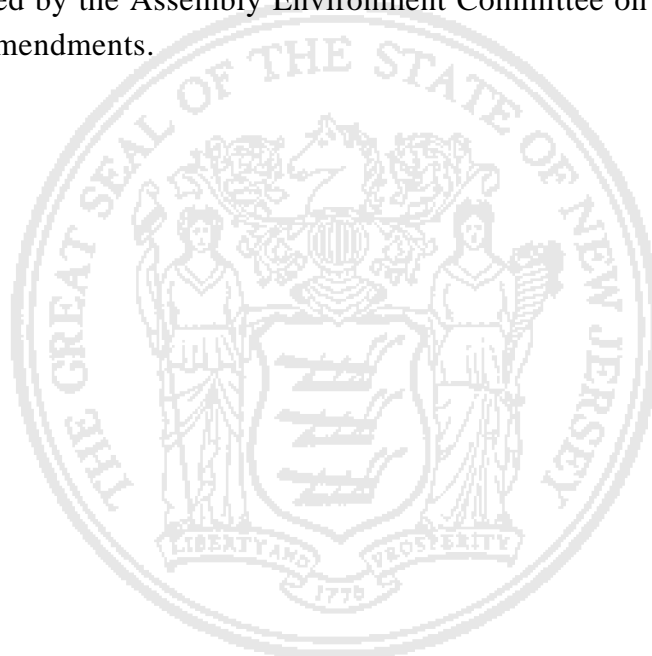
Senators Allen, Matheussen and Assemblyman Geist

SYNOPSIS

Concerns reforestation of lands by State entities.

CURRENT VERSION OF TEXT

As reported by the Assembly Environment Committee on September 21, 2000, with amendments.



(Sponsorship Updated As Of: 10/31/2000)

1 AN ACT concerning reforestation of land, and amending and
2 supplementing P.L.1993, c.106.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 ³[1. Section 2 of P.L.1993, c.106 (C.13:1L-14.2) is amended to
8 ²[dead] read² as follows:

9 2. a. Each State entity, by July 1, 1993, and at least annually
10 thereafter, shall develop, and submit to the Division of Parks and
11 Forestry in the Department of Environmental Protection, a plan for
12 compensatory reforestation for all areas at least [one] one-half acre
13 in size that ²[is] are² owned or maintained by that State entity and
14 ²[is] are² scheduled for deforestation. A reforestation plan required
15 pursuant to this act shall establish a goal of no net loss of forested
16 area, based upon an approximation of at least a one-for-one
17 replacement of trees lost due to deforestation, ¹shall provide for the
18 use of native species when practicable.¹ and shall be subject to
19 approval of the division. No project that would deforest land at least
20 [one] one-half acre of size that is owned or maintained by a State
21 entity may be commenced without approval of that State entity's plan
22 by the division.

23 A reforestation plan shall provide that if tree planting cannot be
24 conducted adjacent to the deforested area, that it be conducted either
25 within the municipality in which the deforestation occurred or within
26 five miles of the site of the deforestation, if the division determines
27 that it is not practicable to conduct the tree planting efforts within the
28 municipality.

29 ¹The plan may provide that the shape ²[of the] or²configuration
30 of the reforested area may be substantially similar to the shape or
31 configuration of the deforested area.¹

32 b. A reforestation plan developed pursuant to subsection a. of this
33 section may provide:

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

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SEN committee amendments adopted February 17, 2000.

² Senate floor amendments adopted June 8, 2000.

³ Assembly AEN committee amendments adopted September 21, 2000.

1 (2) that the State entity plant seedlings to meet the goal of no net
2 loss of forested area, which seedlings shall be planted from six to 10
3 feet apart, or at a distance mutually agreed to by the division and the
4 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, oaks,
9 ash, poplar, sweet gum, and black locust. Subject to availability from
10 a State tree nursery, the trees used in reforestation by a State entity
11 pursuant to this act shall be those that are the most suitable for the
12 site.

13 (cf: P.L.1993, c.106, s.2)]³

14

15 ³1. Section 2 of P.L.1993, c.106 (C.13:1L-14.2) is amended to
16 read as follows:

17 2. a. Each State entity, by July 1, 1993, and at least annually
18 thereafter, shall develop, and submit to the Division of Parks and
19 Forestry in the Department of Environmental Protection, a plan for
20 compensatory reforestation for all areas at least [one] one-half acre
21 in size that [is] are owned or maintained by that State entity and [is]
22 are scheduled for deforestation. A reforestation plan required
23 pursuant to this act shall establish a goal of no net loss of existing
24 forested area [.] based upon [an approximation of at least a
25 one-for-one replacement of trees lost] a reasonable and practical Tree
26 Replacement Factor developed due to the act of deforestation [, and]
27 and in accordance with this act. The plan shall be subject to approval
28 of the division after review and comment by the Community Forestry
29 Council established pursuant to section 5 of P.L.1996, c.135
30 (C.13:1L-17.5) . No project that would deforest land at least [one]
31 one-half acre [of] in size that is owned or maintained by a State entity
32 may be commenced without approval of that State entity's plan by the
33 division.

34 A reforestation plan shall provide that, if tree planting adjacent to
35 the deforested area is not feasible, it shall be conducted in the
36 following order: within the municipality in which the deforestation
37 occurred, within five miles of the site of deforestation, or off-site.

38 b. A reforestation plan developed pursuant to [subsection a. of]
39 this section [may provide:

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

1 (2) that the State entity plant seedlings to meet the goal of no net
2 loss of forested area, which seedlings shall be planted from six to 10
3 feet apart, or at a distance mutually agreed to by the division and the
4 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, oaks,
9 ash, poplar, sweet gum, and black locust. Subject to availability from
10 a State tree nursery, the trees used in reforestation by a State entity
11 pursuant to this act shall be those that are the most suitable for the
12 site] shall include appropriate and approved methods for the planting,
13 protection, care and management of trees and other related natural
14 resources. With the advice and assistance of the Community Forestry
15 Council, the division shall develop and make available to State entities
16 a list of guideline elements that shall be required in a reforestation
17 plan. These guidelines shall establish but not limit the basic framework
18 of an approved reforestation plan.

19 A reforestation plan developed pursuant to this section shall
20 provide that:

21 (1) if the division determines that it is not feasible to conduct the
22 tree planting efforts on-site, then the tree planting shall be conducted
23 first on State property within the municipality in which the
24 deforestation occurred or municipal property within the municipality
25 in which the deforestation occurred. Municipal property may include
26 property owned or maintained by that community including but not
27 limited to parks, streets, schools, municipal facilities, and open space
28 and recreation areas;

29 (2) if the division determines that it is not feasible to conduct the
30 tree planting efforts on-site or within that municipality, then the tree
31 planting shall be conducted within five miles of the site of the
32 deforestation. Sites within five miles of the site of deforestation may
33 include property owned or maintained by the State, county or other
34 municipal entity;

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

42 (4) the State entity shall use native species when practicable;

43 (5) the shape or configuration of the reforested area may be
44 substantially similar to the shape or configuration of the deforested
45 area;

46 (6) the replacement of trees shall be determined by the Tree

1 Replacement Factor and shall be based upon accepted forestry
2 research and practices which show the average tree density within
3 urban areas to be 204 trees per acre of tree cover;

4 (7) in using the Tree Replacement Factor (TRF) for sites that are
5 deforested the following number of stems shall be calculated for
6 seeding, caliper and whip/container trees:

7 TRF = 204 (2" - 2 1/2") caliper trees per acre
8 = 408 whip/container (4' - 6') trees per acre
9 = 1210 tree seedlings per acre;

10 (8) the seedlings shall be planted from six to 10 feet apart, or at a
11 distance mutually agreed to by the division and the State entity, and
12 that the seedlings are obtainable from a tree nursery owned and
13 operated by the State. Subject to availability from a State tree
14 nursery, the seedlings used in reforestation by a State entity pursuant
15 to this act shall be those that are the most suitable for the site; and

16 (9) the species of caliper nursery grown trees measured at two and
17 one half inches and whips at one and one half inches shall be planted
18 based upon the approved planting plan and subject to the standards
19 established by the American Association of Nurseryman. Trees to be
20 planted shall be selected from those recommended in the publication
21 entitled "Trees for New Jersey Streets" published by the New Jersey
22 Shade Tree Federation and in accordance with the recommended
23 planting specifications. Diversity in species composition shall be
24 required to reduce the risk of widespread loss of trees to single insect
25 and disease infestation and, therefore, similar species shall not exceed
26 30 percent of the total planting.

27 c. The State entity shall enter into a memorandum of agreement
28 with the division that guarantees the division reimbursement for actual
29 labor hours attributable to the review and implementation of that State
30 entity's reforestation plan pursuant to this act. If the compensatory
31 reforestation as required by this act cannot be accomplished on the site
32 of the project by the State entity, the division and the State entity may
33 mutually agree within the memorandum of agreement that the State
34 entity responsible for the deforestation shall pay an amount equal to
35 the value of the number of trees required as determined by the Tree
36 Replacement Factor and in accordance with an approved plan. This
37 payment shall be deposited in the "Shade Tree and Community Forest
38 Preservation License Plate Fund," established pursuant to section 12
39 of P.L.1996, c.135 (C.39:3-27.81), and shall be expended for
40 reforestation by the division with the advice of the Community
41 Forestry Council and the approval of the director of the division. The
42 memorandum of agreement shall be part of the State entity's plan for
43 compensatory reforestation.³

44 (cf: P.L.1993, c.106, s.2)

1 2. (New section) ³[When] Whenever ³a State entity owns or
 2 maintains land on which an area of at least ¹[one-half] one¹ acre in
 3 size is scheduled for deforestation, at least 180 days prior to the
 4 deforestation of the area the State entity shall hold at least one public
 5 ¹[hearing] forum¹ within the municipality in which the deforestation
 6 is scheduled, ¹or, if the forested area scheduled for deforestation spans
 7 more than one municipality, in any one of the municipalities in which
 8 deforestation is scheduled.¹ to present its plan for deforestation and its
 9 plan for reforestation. The public shall be permitted to present oral
 10 and written comments to the State entity ³within a comment period of
 11 60 days from the date of the forum³ . No more than 60 days after the
 12 comment period has closed, the State entity shall ¹[publish] provide¹
 13 written responses to the comments presented.

14 ¹Whenever a public process is already required by any other
 15 ²[state] State² or federal law, or any rule or regulation adopted
 16 pursuant thereto, for a project that includes forested land scheduled
 17 for deforestation, the State entity shall not be required to conduct a
 18 separate public forum to comply with the provisions of this section,
 19 provided that the public forum requirements established herein are also
 20 met at the public forum or hearing conducted pursuant to any other
 21 ²[state] State² or federal law.¹ ³The State entity shall clearly advise
 22 the public in its agenda for the public forum that a reforestation plan
 23 will be presented. Copies of written responses to the public comments
 24 shall be provided by the State entity to the division at the close of the
 25 comment period.³

26
 27 ²3. Section 3 of P.L.1993, c.106 (C.13:1L-14.3) is amended to
 28 read as follows:

29 3. The requirements of this act shall not apply to activities that are
 30 deemed by the [division] ³[Department of Environmental Protection]
 31 division³ to constitute standard [forestry] ³[forest management]
 32 forestry³ , wildlife management, or arboricultural ³[management]³
 33 practices ³, or to actively managed existing utility easements³ .²
 34 (cf: P.L.1993, c.106, s.3)

35
 36 ²[3.] ⁴.² This act shall take effect immediately ³[but shall be
 37 inoperative until the 180th day after enactment¹] , but shall not apply
 38 to capital construction projects that are scheduled to be advertised for
 39 bid by a State entity within one year after the date of enactment³ .

FISCAL NOTE
[Third Reprint]
SENATE, No. 254
STATE OF NEW JERSEY
209th LEGISLATURE

DATED: OCTOBER 24, 2000

SUMMARY

Synopsis: Concerns reforestation of lands by State entities.
Type of Impact: Increased expenditures from the General Fund.
Agencies Affected: Department of Environmental Protection and various State agencies.

Executive Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost		Undetermined	

- ! The Office of Legislative Services (OLS) **concurs** with Executive Branch statements.
- ! Current law (P.L.1993, c.106) requires that a State entity have a plan to reforest land in compensation for deforesting any land it owns or maintains that is at least one acre in size.
- ! The bill amends current law by reducing the minimum acreage requirement to one-half acre and provides specific criteria for developing reforestation plans.
- ! The bill adds the N.J. Community Forestry Council to the review process for reforestation plans and establishes procedures for public review and comment of these plans.

BILL DESCRIPTION

Senate Bill No. 254 (3R) of 2000 amends and supplements current law concerning the reforestation of land by a State entity. Current law requires that every State entity that owns or maintains land at least one acre in size that is scheduled for deforestation have in place a plan for compensatory reforestation of other lands. The bill reduces the minimum acreage to one-half acre in size, and provides that the reforestation plan be subject to the approval of the Department of Environmental Protection's Division of Parks and Forestry after review and comment by the New Jersey Community Forestry Council.

The bill also directs the Division to develop, with the advise and assistance of the Forestry Council, a list of guideline elements for reforestation plans based on new criteria contained in the bill. Last, the bill provides for public comment periods and State entity response procedures.

FISCAL ANALYSIS***EXECUTIVE BRANCH***

The Department of Environmental Protection (DEP) states that it cannot calculate the fiscal impact of the bill because the factors that determine the cost of each reforestation plan cannot be predicted in advance. As the bill requires that all costs accrued by the DEP associated with the review and implementation of a State entity's reforestation plan be reimbursed by said entity, the bill will only have a negative fiscal impact on the affected State entities, not the DEP. The Office of Management and Budget agrees with these statements.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services (OLS) concurs with the Executive Branch statements and notes that State costs will increase under the bill due to the greater number of properties that will be subject to reforestation plans.

Section: *Environment, Agriculture, Energy and Natural Resources*

Analyst: *Richard M. Handelman*
Senior Fiscal Analyst

Approved: *Alan R. Kooney*
Legislative Budget and Finance Officer

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

ASSEMBLY, No. 2570

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED JUNE 5, 2000

Sponsored by:

Assemblyman GEORGE F. GEIST

District 4 (Camden and Gloucester)

SYNOPSIS

Concerns reforestation of lands by State entities.

CURRENT VERSION OF TEXT

As introduced.



A2570 GEIST

2

1 AN ACT concerning reforestation of land, and amending and
2 supplementing P.L.1993, c.106.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 2 of P.L.1993, c.106 (C.13:1L-14.2) is amended to read
8 as follows:

9 2. a. Each State entity, by July 1, 1993, and at least annually
10 thereafter, shall develop, and submit to the Division of Parks and
11 Forestry in the Department of Environmental Protection, a plan for
12 compensatory reforestation for all areas at least **[one] one-half** acre
13 in size that is owned or maintained by that State entity and is
14 scheduled for deforestation. A reforestation plan required pursuant to
15 this act shall establish a goal of no net loss of existing forested area
16 **[,]** based upon **[an approximation of at least a one-for-one**
17 **replacement of trees lost]** a reasonable and practical Tree Replacement
18 Formula which was developed due to the act of deforestation [, and]
19 . The plan shall be subject to approval of the division after review and
20 comment by the New Jersey Community Forestry Council established
21 pursuant to section 5 of P.L.1996, c.135 (C.13:1L-17.5) . No project
22 that would deforest land at least one acre of size that is owned or
23 maintained by a State entity may be commenced without approval of
24 that State entity's plan by the division. A reforestation plan shall
25 provide that, if tree planting adjacent to the deforested area is not
26 feasible, it will be conducted in the following order: within the
27 municipality in which the deforestation occurred, within five miles of
28 the site of deforestation, or off-site.

29 b. A reforestation plan developed pursuant to subsection a. of this
30 section **[may provide:**

31 (1) that tree planting be conducted off-site by the State entity, if
32 the division determines that it is not practicable to conduct the tree
33 planting efforts on-site. Off-site property may include property owned
34 or maintained by a State entity other than the one developing and
35 implementing the plan if the State entity that is to receive the benefits
36 of the off-site tree planting efforts agrees thereto;

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

41 (3) for the planting of species of trees or seedlings that are
42 obtainable from a tree nursery owned and operated by the State,

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 including, but not limited to, such species as white pine, Norway
2 spruce, pitch pine, shortleaf pine, loblolly pine, Virginia pine, oaks,
3 ash, poplar, sweet gum, and black locust. Subject to availability from
4 a State tree nursery, the trees used in reforestation by a State entity
5 pursuant to this act shall be those that are the most suitable for the
6 site] shall include appropriate and approved methods for the planting
7 protection, care and management of trees and other related natural
8 resources. With the advice and assistance of the New Jersey
9 Community Forestry Council, the division shall develop and make
10 available to State entities a list of guideline elements that shall be
11 required in a reforestation plan. These guidelines shall establish but
12 not limit the basic framework of an approved reforestation plan. A
13 reforestation plan developed pursuant to this subsection shall provide
14 that:

15 (1) if the division determines it is not feasible to conduct the tree
16 planting efforts on-site, the tree planting be conducted first on State
17 property within the municipality in which the deforestation occurred
18 or municipal property within the municipality in which the
19 deforestation occurred. Municipal property may include property
20 owned or maintained by that community including but not limited to
21 parks, streets, schools, municipal facilities, and open space and
22 recreation areas; and

23 (2) if the division determines that it is not feasible to conduct the
24 tree planting efforts on-site or within that municipality, then the tree
25 planting shall be conducted within five miles of the site of the
26 deforestation. Sites five miles from the site of deforestation may
27 include property owned or maintained by the State, county or other
28 municipal entity; and

29 (3) if the division determines that it is not practicable to conduct
30 the tree planting efforts on-site, within the municipality or five miles
31 of the site, then the tree planting be conducted off-site by the State
32 entity. Off-site property may include property owned or maintained
33 by a State entity other than the one developing and implementing the
34 plan if the State entity that is to receive the benefits of the off-site tree
35 planting efforts agrees thereto; and

36 (4) the State entity shall use native species when practicable; and

37 (5) the shape of the configuration of the reforested area may be
38 substantially similar to the shape or configuration of the deforested
39 area; and

40 (6) the replacement of trees is determined by the Tree Replacement
41 Factor and based upon the accepted forestry research and practices
42 that show the average tree density within urban areas is 204 trees per
43 acre of tree cover; and

44 (7) in using the Tree Replacement Factor (TRF) for sites that are
45 deforested the following number of stems shall be calculated for
46 seeding, caliper and whip/container trees:

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1 TRF = 204 (2" - 2 1/2") caliper trees per acre
2 = 408 whip/container (4' - 6) trees per acre
3 = 1210 tree seedlings per acre; and

4 (8) the seedlings shall be planted from six to ten feet apart, or at a
5 distance mutually agreed to by the division and the State entity, and
6 that the seedlings are obtainable from a tree nursery owned and
7 operated by the State. Subject to availability from a State tree
8 nursery, the seedlings used in reforestation by a State entity pursuant
9 to this act shall be those that are the most suitable for the site; and

10 (9) the species of caliper nursery grown trees measured at two and
11 one half inches and whips at one and one half inches shall be planted
12 based upon the approved planting plan and subject to the standards
13 established by the American Association of Nurseryman. Trees to be
14 planted shall be selected from those recommended in the publication
15 entitled Trees for New Jersey Streets published by the New Jersey
16 Shade Tree Federation and in accordance with the recommended
17 planting specifications. Diversity in species composition is critical to
18 reduce the risk of widespread loss of trees to single insect and disease
19 infestation. Therefore, similar species should not exceed 30 percent
20 of the total planting.

21 c. If, at the determination of the division, the tree planting is to
22 occur on a site other than one owned or maintained by the State entity,
23 that State entity may provide payment in the amount equal to the trees
24 determined by the Tree Replacement Factor in accordance with an
25 approved plan. This dollar amount shall be deposited in the Shade
26 Tree and Community Forest Preservation License Plate Fund,
27 established pursuant to P.L.1996, c.135 (C.39:3-27.81), and expended
28 for reforestation under the advice of the New Jersey Community
29 Forestry Council and the approval of the division director.

30 d. The State entity is required to enter into a memorandum of
31 Agreement (MOA) with the division, which guarantees the division
32 reimbursement for actual labor hours attributable to the review and
33 implementation of that State entity's reforestation plan pursuant to this
34 act.

35 (cf: P.L.1993, c.106, s.2)

36

37 2. (New section) When a State entity owns or maintains land on
38 which an area of at least one-half acre in size is scheduled for
39 deforestation, at least 180 days prior to the deforestation of the area
40 the State entity shall hold at least one public forum within the
41 municipality in which the deforestation is scheduled, or, if the forest
42 area scheduled for deforestation spans more than one municipality, in
43 any one of the municipalities in which deforestation is scheduled, to
44 present its plan for deforestation and its plan for reforestation. The
45 public shall be permitted to present oral and written comments to the
46 State entity within a comment period of 60 days from the date of the

1 forum. No more than 60 days after the comment period has closed,
2 the State entity shall provide written responses to the comments
3 presented.

4 When a public process is already required by any other State or
5 federal law, or any rule or regulation adopted pursuant thereto, for a
6 project that includes forested land scheduled for deforestation, the
7 State entity need not conduct a separate forum to comply with the
8 provisions of this section provided that the forum requirements
9 established herein are also met at the public forum or hearing
10 conducted pursuant to any other State or federal law. The State entity
11 must clearly advise the public by way of an agenda concerning the
12 reforestation plan. Copies of written responses to the public
13 comments shall be provided by the State entity to the division at the
14 close of the comment period.

15

16 3. Section 3 of P.L.1993, c.106 (C.13:1L-14.3) is amended to read
17 as follows:

18 3. The requirements of this act shall not apply to activities that are
19 deemed by the division to constitute standard forestry , wildlife
20 management, or arboricultural practices.
21 (cf: P.L.1993, c.106, s.3)

22

23 4. This act shall take effect immediately, but shall not apply to
24 capital construction projects that are scheduled to be advertised for bid
25 by a State entity within one year of the date of enactment.

26

27

28

STATEMENT

29

30 This bill would amend and supplement current law concerning the
31 reforestation of land that is owned or maintained by a State entity.
32 Current law requires that every State entity have in place a plan for
33 compensatory reforestation for all areas at least one acre in size
34 scheduled for deforestation that are owned or maintained by a State
35 entity. This bill would require a plan when the area scheduled for
36 deforestation is one-half acre in size, and would provide that the plan
37 be subject to the approval of the Department of Environmental
38 Protection's Division of Parks and Forestry (division) after review and
39 comment by the New Jersey Community Forestry Council.

40 This bill would provide that the division develop, with the advise
41 and assistance of the New Jersey Community Forestry Council, a list
42 of guidelines elements for reforestation plans. The bill would also
43 establish specific guidelines for reforestation plans.

44 Also, the bill would require that when areas of at least one-half acre
45 in size are scheduled for deforestation, the State entity would conduct
46 a public forum at least 180 days prior to the reforestation to presents

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6

1 its plans for deforestation and reforestation. The bill would provide
2 the opportunity for public comment and require the State entity to
3 provide written responses to public comments received.

4 Lastly, the bill would take effective immediately but would not
5 apply to capital construction projects scheduled to be advertised for
6 bid by a State entity within one year of the date of enactment.

ASSEMBLY ENVIRONMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2570

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 21, 2000

The Assembly Environment Committee reports favorably and with committee amendments Assembly Bill No. 2570.

This bill, as amended by the committee, would amend and supplement current law concerning the reforestation of land that is owned or maintained by a State entity. Current law requires that every State entity have in place a plan for compensatory reforestation for all areas at least one acre in size scheduled for deforestation that are owned or maintained by a State entity. This bill would require a plan whenever the area scheduled for deforestation is at least one-half acre in size, and would provide that the plan be subject to the approval of the Department of Environmental Protection's Division of Parks and Forestry (division), after review and comment by the Community Forestry Council.

This bill would provide that the division develop, with the advice and assistance of the Community Forestry Council, a list of guideline elements required for reforestation plans. The bill would also establish specific requirements for reforestation plans. In addition, under the bill, a reforestation plan must provide that, if tree planting adjacent to the deforested area is not feasible, it shall be conducted in the following order: within the municipality in which the deforestation occurred, within five miles of the site of deforestation, or off-site.

Also, the bill, as amended by the committee, would require that whenever an area of at least one acre in size is scheduled for deforestation, the State entity would conduct a public forum at least 180 days prior to the deforestation to present its plans for deforestation and reforestation. The bill would provide the opportunity for public comment and require the State entity to provide written responses to public comments received.

Lastly, the bill would take effective immediately but would not apply to capital construction projects scheduled to be advertised for bid by a State entity within one year after the date of enactment.

The committee amended the bill to change the threshold that would trigger the need for a public forum from one-half acre of deforestation to one acre of deforestation. The committee also amended provisions

in the bill concerning (1) the memorandum of agreement to be made between a State entity engaging in deforestation activities and the division, and (2) certain payments that may be made by State entities in lieu of compensatory reforestation. In addition, the committee amended the bill to provide an exemption from the bill for deforestation activities associated with actively managed existing utility easements. Finally, the committee made technical and clarifying amendments to the bill.

As amended and reported by the committee, this bill is identical to Senate Bill No. 254 (2R) as also amended and reported by the committee.

[First Reprint]

ASSEMBLY, No. 2570

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED JUNE 5, 2000

Sponsored by:

Assemblyman GEORGE F. GEIST

District 4 (Camden and Gloucester)

SYNOPSIS

Concerns reforestation of lands by State entities.

CURRENT VERSION OF TEXT

As reported by the Assembly Environment Committee on September 21, 2000, with amendments.



1 AN ACT concerning reforestation of land, and amending and
2 supplementing P.L.1993, c.106.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. Section 2 of P.L.1993, c.106 (C.13:1L-14.2) is amended to
8 read as follows:

9 2. a. Each State entity, by July 1, 1993, and at least annually
10 thereafter, shall develop, and submit to the Division of Parks and
11 Forestry in the Department of Environmental Protection, a plan for
12 compensatory reforestation for all areas at least **[one] one-half** acre
13 in size that ¹**[is] are** owned or maintained by that State entity and
14 ¹**[is] are** scheduled for deforestation. A reforestation plan required
15 pursuant to this act shall establish a goal of no net loss of existing
16 forested area **[,]** based upon **[an approximation of at least a**
17 **one-for-one replacement of trees lost] a reasonable and practical Tree**
18 **Replacement** ¹**[Formula which was] Factor** ¹ developed due to the act
19 of deforestation [, and] ¹and in accordance with this act ¹. The plan
20 shall be subject to approval of the division after review and comment
21 by the ¹[New Jersey] ¹Community Forestry Council established
22 pursuant to section 5 of ¹[P.L.1996] P.L.1996 ¹.c.135 (C.13:1L-17.5)
23 . No project that would deforest land at least ¹**[one] one-half** acre
24 ¹**[of] in** size that is owned or maintained by a State entity may be
25 commenced without approval of that State entity's plan by the division.

26 A reforestation plan shall provide that, if tree planting adjacent to
27 the deforested area is not feasible, it ¹[will] shall ¹be conducted in the
28 following order: within the municipality in which the deforestation
29 occurred, within five miles of the site of deforestation, or off-site.

30 b. A reforestation plan developed pursuant to ¹**[subsection a. of]**
31 this section **[may provide:**

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

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

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 September 21, 2000.

1 (3) for the planting of species of trees or seedlings that are
2 obtainable from a tree nursery owned and operated by the State,
3 including, but not limited to, such species as white pine, Norway
4 spruce, pitch pine, shortleaf pine, loblolly pine, Virginia pine, oaks,
5 ash, poplar, sweet gum, and black locust. Subject to availability from
6 a State tree nursery, the trees used in reforestation by a State entity
7 pursuant to this act shall be those that are the most suitable for the
8 site] shall include appropriate and approved methods for the planting
9 protection, care and management of trees and other related natural
10 resources. With the advice and assistance of the [New Jersey]
11 Community Forestry Council, the division shall develop and make
12 available to State entities a list of guideline elements that shall be
13 required in a reforestation plan. These guidelines shall establish but
14 not limit the basic framework of an approved reforestation plan.

15 A reforestation plan developed pursuant to this [subsection]
16 section shall provide that:

17 (1) if the division determines that it is not feasible to conduct the
18 tree planting efforts on-site, then the tree planting shall be
19 conducted first on State property within the municipality in which the
20 deforestation occurred or municipal property within the municipality
21 in which the deforestation occurred. Municipal property may include
22 property owned or maintained by that community including but not
23 limited to parks, streets, schools, municipal facilities, and open space
24 and recreation areas; [and]

25 (2) if the division determines that it is not feasible to conduct the
26 tree planting efforts on-site or within that municipality, then the tree
27 planting shall be conducted within five miles of the site of the
28 deforestation. Sites within five miles [from] of the site of
29 deforestation may include property owned or maintained by the State,
30 county or other municipal entity; [and]

31 (3) if the division determines that it is not practicable to conduct the
32 tree planting efforts on-site, within the municipality or five miles of the
33 site, then the tree planting shall be conducted off-site by the State
34 entity. Off-site property may include property owned or maintained
35 by a State entity other than the one developing and implementing the
36 plan if the State entity that is to receive the benefits of the off-site tree
37 planting efforts agrees thereto; [and]

38 (4) the State entity shall use native species when practicable;
39 [and]

40 (5) the shape [of the] or configuration of the reforested area may
41 be substantially similar to the shape or configuration of the deforested
42 area; [and]

43 (6) the replacement of trees [is] shall be determined by the Tree
44 Replacement Factor and shall be based upon [the] accepted
45 forestry research and practices [that] which show the average tree

1 density within urban areas ¹[is] to be ¹ 204 trees per acre of tree
2 cover; ¹[and] ¹

3 (7) in using the Tree Replacement Factor (TRF) for sites that are
4 deforested the following number of stems shall be calculated for
5 seeding, caliper and whip/container trees:

6 TRF = 204 (2" - 2 1/2") caliper trees per acre
7 = 408 whip/container ¹[(4' - 6)] (4' - 6')¹ trees per acre
8 = 1210 tree seedlings per acre; ¹[and] ¹

9 (8) the seedlings shall be planted from six to ¹[ten] ¹10¹ feet apart,
10 or at a distance mutually agreed to by the division and the State entity,
11 and that the seedlings are obtainable from a tree nursery owned and
12 operated by the State. Subject to availability from a State tree
13 nursery, the seedlings used in reforestation by a State entity pursuant
14 to this act shall be those that are the most suitable for the site; and

15 (9) the species of caliper nursery grown trees measured at two and
16 one half inches and whips at one and one half inches shall be planted
17 based upon the approved planting plan and subject to the standards
18 established by the American Association of Nurseryman. Trees to be
19 planted shall be selected from those recommended in the publication
20 entitled ¹[Trees for New Jersey Streets] "Trees for New Jersey
21 Streets" ¹published by the New Jersey Shade Tree Federation and in
22 accordance with the recommended planting specifications. Diversity
23 in species composition ¹[is critical] shall be required ¹to reduce the
24 risk of widespread loss of trees to single insect and disease infestation
25 [. Therefore] and, therefore ¹, similar species ¹[should] shall ¹not
26 exceed 30 percent of the total planting.

27 c. ¹[If, at the determination of the division, the tree planting is to
28 occur on a site other than one owned or maintained by the State entity,
29 that State entity may provide payment in the amount equal to the trees
30 determined by the Tree Replacement Factor in accordance with an
31 approved plan. This dollar amount shall be deposited in the Shade
32 Tree and Community Forest Preservation License Plate Fund,
33 established pursuant to P.L.1996, c.135 (C.39:3-27.81), and expended
34 for reforestation under the advice of the New Jersey Community
35 Forestry Council and the approval of the division director.

36 d.] ¹The State entity ¹[is required to] shall ¹enter into a
37 memorandum of ¹[Agreement (MOA)] ¹agreement with the division
38 [, which] that ¹guarantees the division reimbursement for actual
39 labor hours attributable to the review and implementation of that State
40 entity's reforestation plan pursuant to this act. ¹If the compensatory
41 reforestation as required by this act cannot be accomplished on the site
42 of the project by the State entity, the division and the State entity may
43 mutually agree within the memorandum of agreement that the State
44 entity responsible for the deforestation shall pay an amount equal to
45 the value of the number of trees required as determined by the Tree

1 Replacement Factor and in accordance with an approved plan. This
2 payment shall be deposited in the "Shade Tree and Community Forest
3 Preservation License Plate Fund," established pursuant to section 12
4 of P.L.1996, c.135 (C.39:3-27.81), and shall be expended for
5 reforestation by the division with the advice of the Community
6 Forestry Council and the approval of the director of the division. The
7 memorandum of agreement shall be part of the State entity's plan for
8 compensatory reforestation.¹

9 (cf: P.L.1993, c.106, s.2)

10

11 2. (New section) ¹[When] Whenever¹ a State entity owns or
12 maintains land on which an area of at least ¹[one-half] one¹ acre in
13 size is scheduled for deforestation, at least 180 days prior to the
14 deforestation of the area the State entity shall hold at least one public
15 forum within the municipality in which the deforestation is scheduled,
16 or, if the ¹[forest] forested¹ area scheduled for deforestation spans
17 more than one municipality, in any one of the municipalities in which
18 deforestation is scheduled, to present its plan for deforestation and its
19 plan for reforestation. The public shall be permitted to present oral
20 and written comments to the State entity within a comment period of
21 60 days from the date of the forum. No more than 60 days after the
22 comment period has closed, the State entity shall provide written
23 responses to the comments presented.

24 ¹[When] Whenever¹ a public process is already required by any
25 other State or federal law, or any rule or regulation adopted pursuant
26 thereto, for a project that includes forested land scheduled for
27 deforestation, the State entity ¹[need not] shall not be required to¹
28 conduct a separate ¹public¹ forum to comply with the provisions of
29 this section ¹,¹ provided that the ¹public¹ forum requirements
30 established herein are also met at the public forum or hearing
31 conducted pursuant to any other State or federal law. The State entity
32 ¹[must] shall¹ clearly advise the public ¹[by way of an] in its¹ agenda
33 ¹[concerning the] for the public forum that a¹ reforestation plan ¹will
34 be presented¹ . Copies of written responses to the public comments
35 shall be provided by the State entity to the division at the close of the
36 comment period.

37

38 3. Section 3 of P.L.1993, c.106 (C.13:1L-14.3) is amended to
39 read as follows:

40 3. The requirements of this act shall not apply to activities that are
41 deemed by the division to constitute standard forestry , wildlife
42 management, or arboricultural practices ¹, or to actively managed
43 existing utility easements¹ .

44 (cf: P.L.1993, c.106, s.3)

A2570 [1R] GEIST

6

1 4. This act shall take effect immediately, but shall not apply to
2 capital construction projects that are scheduled to be advertised for bid
3 by a State entity within one year ¹ [~~of~~] after¹ the date of enactment.

FISCAL NOTE
[First Reprint]
ASSEMBLY, No. 2570
STATE OF NEW JERSEY
209th LEGISLATURE

DATED: OCTOBER 24, 2000

SUMMARY

Synopsis: Concerns reforestation of lands by State entities.
Type of Impact: Increased expenditures from the General Fund.
Agencies Affected: Department of Environmental Protection and various State agencies.

Executive Estimate

Fiscal Impact	Year 1	Year 2	Year 3
State Cost		Undetermined	

- ! The Office of Legislative Services (OLS) **concurs** with Executive Branch statements.
- ! Current law (P.L.1993, c.106) requires that a State entity have a plan to reforest land in compensation for deforesting any land it owns or maintains that is at least one acre in size.
- ! The bill amends current law by reducing the minimum acreage requirement to one-half acre and provides specific criteria for developing reforestation plans.
- ! The bill adds the N.J. Community Forestry Council to the review process for reforestation plans and establishes procedures for public review and comment of these plans.

BILL DESCRIPTION

Assembly Bill No. 2570 (1R) of 2000 amends and supplements current law concerning the reforestation of land by a State entity. Current law requires that every State entity that owns or maintains land at least one acre in size that is scheduled for deforestation have in place a plan for compensatory reforestation of other lands. The bill reduces the minimum acreage to one-half acre in size, and provides that the reforestation plan be subject to the approval of the Department of Environmental Protection's Division of Parks and Forestry after review and comment by the New Jersey Community Forestry Council.

The bill also directs the Division to develop, with the advise and assistance of the Forestry Council, a list of guideline elements for reforestation plans based on new criteria contained in the bill. Last, the bill provides for public comment periods and State entity response procedures.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The Department of Environmental Protection (DEP) states that it cannot calculate the fiscal impact of the bill because the factors that determine the cost of each reforestation plan cannot be predicted in advance. As the bill requires that all costs accrued by the DEP associated with the review and implementation of a State entity's reforestation plan be reimbursed by said entity, the bill will only have a negative fiscal impact on the affected State entities, not the DEP. The Office of Management and Budget agrees with these statements.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services (OLS) concurs with the Executive Branch statements and notes that State costs will increase under the bill due to the greater number of properties that will be subject to reforestation plans.

Section: *Environment, Agriculture, Energy and Natural Resources*

Analyst: *Richard M. Handelman*
Senior Fiscal Analyst

Approved: *Alan R. Kooney*
Legislative Budget and Finance Officer

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

P.L. 2001, CHAPTER 10, *approved January 29, 2001*

Senate, No. 254 (*Third Reprint*)

1 AN ACT concerning reforestation of land, and amending and
2 supplementing P.L.1993, c.106.

3

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

6

7 ³[1. Section 2 of P.L.1993, c.106 (C.13:1L-14.2) is amended to
8 ²[dead] read² as follows:

9 2. a. Each State entity, by July 1, 1993, and at least annually
10 thereafter, shall develop, and submit to the Division of Parks and
11 Forestry in the Department of Environmental Protection, a plan for
12 compensatory reforestation for all areas at least [one] one-half acre
13 in size that ²[is] are² owned or maintained by that State entity and
14 ²[is] are² scheduled for deforestation. A reforestation plan required
15 pursuant to this act shall establish a goal of no net loss of forested
16 area, based upon an approximation of at least a one-for-one
17 replacement of trees lost due to deforestation, ¹shall provide for the
18 use of native species when practicable,¹ and shall be subject to
19 approval of the division. No project that would deforest land at least
20 [one] one-half acre of size that is owned or maintained by a State
21 entity may be commenced without approval of that State entity's plan
22 by the division.

23 A reforestation plan shall provide that if tree planting cannot be
24 conducted adjacent to the deforested area, that it be conducted either
25 within the municipality in which the deforestation occurred or within
26 five miles of the site of the deforestation, if the division determines
27 that it is not practicable to conduct the tree planting efforts within the
28 municipality.

29 ¹The plan may provide that the shape ²[of the] or² configuration
30 of the reforested area may be substantially similar to the shape or
31 configuration of the deforested area.¹

32 b. A reforestation plan developed pursuant to subsection a. of this
33 section may provide:

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

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SEN committee amendments adopted February 17, 2000.

² Senate floor amendments adopted June 8, 2000.

³ Assembly AEN committee amendments adopted September 21, 2000.

1 of the off-site tree planting efforts agrees thereto;

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

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

14 (cf: P.L.1993, c.106, s.2)]³

15

16 ³1. Section 2 of P.L.1993, c.106 (C.13:1L-14.2) is amended to
17 read as follows:

18 2. a. Each State entity, by July 1, 1993, and at least annually
19 thereafter, shall develop, and submit to the Division of Parks and
20 Forestry in the Department of Environmental Protection, a plan for
21 compensatory reforestation for all areas at least [one] one-half acre
22 in size that [is] are owned or maintained by that State entity and [is]
23 are scheduled for deforestation. A reforestation plan required
24 pursuant to this act shall establish a goal of no net loss of existing
25 forested area [,] based upon [an approximation of at least a
26 one-for-one replacement of trees lost] a reasonable and practical Tree
27 Replacement Factor developed due to the act of deforestation [, and]
28 and in accordance with this act. The plan shall be subject to approval
29 of the division after review and comment by the Community Forestry
30 Council established pursuant to section 5 of P.L.1996, c.135
31 (C.13:1L-17.5) . No project that would deforest land at least [one]
32 one-half acre [of] in size that is owned or maintained by a State entity
33 may be commenced without approval of that State entity's plan by the
34 division.

35 A reforestation plan shall provide that, if tree planting adjacent to
36 the deforested area is not feasible, it shall be conducted in the
37 following order: within the municipality in which the deforestation
38 occurred, within five miles of the site of deforestation, or off-site.

39 b. A reforestation plan developed pursuant to [subsection a. of]
40 this section [may provide:

41 (1) that tree planting be conducted off-site by the State entity, if the
42 division determines that it is not practicable to conduct the tree
43 planting efforts on-site. Off-site property may include property owned
44 or maintained by a State entity other than the one developing and
45 implementing the plan if the State entity that is to receive the benefits

1 of the off-site tree planting efforts agrees thereto;

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

6 (3) for the planting of species of trees or seedlings that are
7 obtainable from a tree nursery owned and operated by the State,
8 including, but not limited to, such species as white pine, Norway
9 spruce, pitch pine, shortleaf pine, loblolly pine, Virginia pine, oaks,
10 ash, poplar, sweet gum, and black locust. Subject to availability from
11 a State tree nursery, the trees used in reforestation by a State entity
12 pursuant to this act shall be those that are the most suitable for the
13 site] shall include appropriate and approved methods for the planting,
14 protection, care and management of trees and other related natural
15 resources. With the advice and assistance of the Community Forestry
16 Council, the division shall develop and make available to State entities
17 a list of guideline elements that shall be required in a reforestation
18 plan. These guidelines shall establish but not limit the basic framework
19 of an approved reforestation plan.

20 A reforestation plan developed pursuant to this section shall
21 provide that:

22 (1) if the division determines that it is not feasible to conduct the
23 tree planting efforts on-site, then the tree planting shall be conducted
24 first on State property within the municipality in which the
25 deforestation occurred or municipal property within the municipality
26 in which the deforestation occurred. Municipal property may include
27 property owned or maintained by that community including but not
28 limited to parks, streets, schools, municipal facilities, and open space
29 and recreation areas;

30 (2) if the division determines that it is not feasible to conduct the
31 tree planting efforts on-site or within that municipality, then the tree
32 planting shall be conducted within five miles of the site of the
33 deforestation. Sites within five miles of the site of deforestation may
34 include property owned or maintained by the State, county or other
35 municipal entity;

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

43 (4) the State entity shall use native species when practicable;

44 (5) the shape or configuration of the reforested area may be
45 substantially similar to the shape or configuration of the deforested
46 area;

1 (6) the replacement of trees shall be determined by the Tree
2 Replacement Factor and shall be based upon accepted forestry
3 research and practices which show the average tree density within
4 urban areas to be 204 trees per acre of tree cover;

5 (7) in using the Tree Replacement Factor (TRF) for sites that are
6 deforested the following number of stems shall be calculated for
7 seeding, caliper and whip/container trees:

8 TRF = 204 (2" - 2 1/2") caliper trees per acre

9 = 408 whip/container (4' - 6') trees per acre

10 = 1210 tree seedlings per acre;

11 (8) the seedlings shall be planted from six to 10 feet apart, or at a
12 distance mutually agreed to by the division and the State entity, and
13 that the seedlings are obtainable from a tree nursery owned and
14 operated by the State. Subject to availability from a State tree
15 nursery, the seedlings used in reforestation by a State entity pursuant
16 to this act shall be those that are the most suitable for the site; and

17 (9) the species of caliper nursery grown trees measured at two and
18 one half inches and whips at one and one half inches shall be planted
19 based upon the approved planting plan and subject to the standards
20 established by the American Association of Nurseryman. Trees to be
21 planted shall be selected from those recommended in the publication
22 entitled "Trees for New Jersey Streets" published by the New Jersey
23 Shade Tree Federation and in accordance with the recommended
24 planting specifications. Diversity in species composition shall be
25 required to reduce the risk of widespread loss of trees to single insect
26 and disease infestation and, therefore, similar species shall not exceed
27 30 percent of the total planting.

28 c. The State entity shall enter into a memorandum of agreement
29 with the division that guarantees the division reimbursement for actual
30 labor hours attributable to the review and implementation of that State
31 entity's reforestation plan pursuant to this act. If the compensatory
32 reforestation as required by this act cannot be accomplished on the site
33 of the project by the State entity, the division and the State entity may
34 mutually agree within the memorandum of agreement that the State
35 entity responsible for the deforestation shall pay an amount equal to
36 the value of the number of trees required as determined by the Tree
37 Replacement Factor and in accordance with an approved plan. This
38 payment shall be deposited in the "Shade Tree and Community Forest
39 Preservation License Plate Fund," established pursuant to section 12
40 of P.L.1996, c.135 (C.39:3-27.81), and shall be expended for
41 reforestation by the division with the advice of the Community
42 Forestry Council and the approval of the director of the division. The
43 memorandum of agreement shall be part of the State entity's plan for
44 compensatory reforestation.³

45 (cf: P.L.1993, c.106, s.2)

1 2. (New section) ³[When] Whenever ³a State entity owns or
 2 maintains land on which an area of at least ¹[one-half] one ¹acre in
 3 size is scheduled for deforestation, at least 180 days prior to the
 4 deforestation of the area the State entity shall hold at least one public
 5 ¹[hearing] forum ¹within the municipality in which the deforestation
 6 is scheduled, ¹or, if the forested area scheduled for deforestation spans
 7 more than one municipality, in any one of the municipalities in which
 8 deforestation is scheduled. ¹to present its plan for deforestation and its
 9 plan for reforestation. The public shall be permitted to present oral
 10 and written comments to the State entity ³within a comment period of
 11 60 days from the date of the forum ³. No more than 60 days after the
 12 comment period has closed, the State entity shall ¹[publish] provide ¹
 13 written responses to the comments presented.

14 ¹Whenever a public process is already required by any other
 15 ²[state] State ²or federal law, or any rule or regulation adopted
 16 pursuant thereto, for a project that includes forested land scheduled
 17 for deforestation, the State entity shall not be required to conduct a
 18 separate public forum to comply with the provisions of this section,
 19 provided that the public forum requirements established herein are also
 20 met at the public forum or hearing conducted pursuant to any other
 21 ²[state] State ²or federal law. ¹ ³The State entity shall clearly advise
 22 the public in its agenda for the public forum that a reforestation plan
 23 will be presented. Copies of written responses to the public comments
 24 shall be provided by the State entity to the division at the close of the
 25 comment period. ³

26
 27 ²3. Section 3 of P.L.1993, c.106 (C.13:1L-14.3) is amended to
 28 read as follows:

29 3. The requirements of this act shall not apply to activities that are
 30 deemed by the [division] ³[Department of Environmental Protection]
 31 division ³to constitute standard [forestry] ³[forest management]
 32 forestry ³, wildlife management, or arboricultural ³[management] ³
 33 practices ³, or to actively managed existing utility easements ³. ²
 34 (cf: P.L.1993, c.106, s.3)

35
 36 ²[3.] ⁴. ²This act shall take effect immediately ³[but shall be
 37 inoperative until the 180th day after enactment ¹], but shall not apply
 38 to capital construction projects that are scheduled to be advertised for
 39 bid by a State entity within one year after the date of enactment ³.

40
 41
 42
 43
 44 Concerns reforestation of lands by State entities.

CHAPTER 10

AN ACT concerning reforestation of land, and amending and supplementing P.L.1993, c.106.

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

1. Section 2 of P.L.1993, c.106 (C.13:1L-14.2) is amended to read as follows:

C.13:1L-14.2 Plan for compensatory reforestation.

2. a. Each State entity, by July 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 for all areas at least one-half acre in size that are owned or maintained by that State entity and are scheduled for deforestation. A reforestation plan required pursuant to this act shall establish a goal of no net loss of existing forested area based upon a reasonable and practical Tree Replacement Factor developed due to the act of deforestation and in accordance with this act. The plan shall be subject to approval of the division after review and comment by the Community Forestry Council established pursuant to section 5 of P.L.1996, c.135 (C.13:1L-17.5). No project that would deforest land at least one-half acre in size that is owned or maintained by a State entity may be commenced without approval of that State entity's plan by the division.

A reforestation plan shall provide that, if tree planting adjacent to the deforested area is not feasible, it shall be conducted in the following order: within the municipality in which the deforestation occurred, within five miles of the site of deforestation, or off-site.

b. A reforestation plan developed pursuant to this section shall include appropriate and approved methods for the planting, protection, care and management of trees and other related natural resources. With the advice and assistance of the Community Forestry Council, the division shall develop and make available to State entities a list of guideline elements that shall be required in a reforestation plan. These guidelines shall establish but not limit the basic framework of an approved reforestation plan.

A reforestation plan developed pursuant to this section shall provide that:

(1) if the division determines that it is not feasible to conduct the tree planting efforts on-site, then the tree planting shall be conducted first on State property within the municipality in which the deforestation occurred or municipal property within the municipality in which the deforestation occurred. Municipal property may include property owned or maintained by that community including but not limited to parks, streets, schools, municipal facilities, and open space and recreation areas;

(2) if the division determines that it is not feasible to conduct the tree planting efforts on-site or within that municipality, then the tree planting shall be conducted within five miles of the site of the deforestation. Sites within five miles of the site of deforestation may include property owned or maintained by the State, county or other municipal entity;

(3) if the division determines that it is not practicable to conduct the tree planting efforts on-site, within the municipality or five miles of the site, then the tree planting shall be conducted off-site by the State entity. 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;

(4) the State entity shall use native species when practicable;

(5) the shape or configuration of the reforested area may be substantially similar to the shape or configuration of the deforested area;

(6) the replacement of trees shall be determined by the Tree Replacement Factor and shall be based upon accepted forestry research and practices which show the average tree density within urban areas to be 204 trees per acre of tree cover;

(7) in using the Tree Replacement Factor (TRF) for sites that are deforested the following number of stems shall be calculated for seeding, caliper and whip/container trees:

$$\begin{aligned} \text{TRF} &= 204 (2'' - 2\ 1/2'') \text{ caliper trees per acre} \\ &= 408 \text{ whip/container } (4' - 6') \text{ trees per acre} \\ &= 1210 \text{ tree seedlings per acre;} \end{aligned}$$

(8) the seedlings shall be planted from six to 10 feet apart, or at a distance mutually agreed to by the division and the State entity, and that the seedlings are obtainable from a tree nursery owned and operated by the State. Subject to availability from a State tree nursery, the seedlings

used in reforestation by a State entity pursuant to this act shall be those that are the most suitable for the site; and

(9) the species of caliper nursery grown trees measured at two and one half inches and whips at one and one half inches shall be planted based upon the approved planting plan and subject to the standards established by the American Association of Nurserymen. Trees to be planted shall be selected from those recommended in the publication entitled "Trees for New Jersey Streets" published by the New Jersey Shade Tree Federation and in accordance with the recommended planting specifications. Diversity in species composition shall be required to reduce the risk of widespread loss of trees to single insect and disease infestation and, therefore, similar species shall not exceed 30 percent of the total planting.

c. The State entity shall enter into a memorandum of agreement with the division that guarantees the division reimbursement for actual labor hours attributable to the review and implementation of that State entity's reforestation plan pursuant to this act. If the compensatory reforestation as required by this act cannot be accomplished on the site of the project by the State entity, the division and the State entity may mutually agree within the memorandum of agreement that the State entity responsible for the deforestation shall pay an amount equal to the value of the number of trees required as determined by the Tree Replacement Factor and in accordance with an approved plan. This payment shall be deposited in the "Shade Tree and Community Forest Preservation License Plate Fund," established pursuant to section 12 of P.L.1996, c.135 (C.39:3-27.81), and shall be expended for reforestation by the division with the advice of the Community Forestry Council and the approval of the director of the division. The memorandum of agreement shall be part of the State entity's plan for compensatory reforestation.

C.13:1L-14.4 Public forum to present plan for deforestation, reforestation by State entities.

2. Whenever a State entity owns or maintains land on which an area of at least one acre in size is scheduled for deforestation, at least 180 days prior to the deforestation of the area the State entity shall hold at least one public forum within the municipality in which the deforestation is scheduled, or, if the forested area scheduled for deforestation spans more than one municipality, in any one of the municipalities in which deforestation is scheduled, to present its plan for deforestation and its plan for reforestation. The public shall be permitted to present oral and written comments to the State entity within a comment period of 60 days from the date of the forum. No more than 60 days after the comment period has closed, the State entity shall provide written responses to the comments presented.

Whenever a public process is already required by any other State or federal law, or any rule or regulation adopted pursuant thereto, for a project that includes forested land scheduled for deforestation, the State entity shall not be required to conduct a separate public forum to comply with the provisions of this section, provided that the public forum requirements established herein are also met at the public forum or hearing conducted pursuant to any other State or federal law. The State entity shall clearly advise the public in its agenda for the public forum that a reforestation plan will be presented. Copies of written responses to the public comments shall be provided by the State entity to the division at the close of the comment period.

3. Section 3 of P.L.1993, c.106 (C.13:1L-14.3) is amended to read as follows:

C.13:1L-14.3 Nonapplicability of act.

3. The requirements of this act shall not apply to activities that are deemed by the division to constitute standard forestry, wildlife management, or arboricultural practices, or to actively managed existing utility easements.

4. This act shall take effect immediately, but shall not apply to capital construction projects that are scheduled to be advertised for bid by a State entity within one year after the date of enactment.

Approved January 29, 2001.

PO BOX 004
TRENTON, NJ 08625

Office of the Governor
NEWS RELEASE

CONTACT: Jayne O'Connor
Laura Otterbourg
609-777-2600

RELEASE: January 29, 2001

Governor Whitman today signed the following legislation:

A-3038, sponsored by Assembly Members Malone (R-Burlington/Monmouth/Ocean) and Cottrell (R-Burlington/Monmouth/Ocean) and Senators Singer (R-Burlington/Monmouth/Ocean) and DiFrancesco (R-Middlesex/Morris/Somerset/Union), permits religious or charitable organizations to lease property to other tax-exempt entities without losing their property tax exemption.

A-1849, sponsored by Assembly Members Merkt (R-Morris) and Augustine (R-Middlesex/Morris/Somerset/Union) and Senators Singer (R-Burlington/Monmouth/Ocean), Bucco (R-Morris) and Martin (R-Essex/Morris/Passaic), permits counties to increase the maximum daily compensation for members of election boards from \$100 to an amount not to exceed \$150.

S-254, sponsored by Senators Bennett (R-Monmouth) and Bucco (R-Morris) and Assembly Member Geist (R-Camden/Gloucester), amends the law concerning the reforestation of land owned or maintained by a State entity. Under current law, whenever a State entity plans to deforest an area at least one acre in size, the entity is required to adopt a plan to reforest the area. This bill reduces the size threshold to one-half acre, requiring the State to develop a reforestation plan whenever an entity plans to deforest an area one-half acre in size.

S-382, sponsored by Senator Sinagra (R-Middlesex) and Assembly Members Weingarten (R-Essex/Union) and Kelly (R-Bergen/Essex/Passaic) makes a supplemental appropriation of \$50,000 to the Department of Community Affairs for a grant to the National Association for Children with Autism, Inc. in Livingston.

A-2614, sponsored by Assembly Members Gregg (R-Sussex/Hunterdon/Morris) and Thompson (R-Middlesex/Monmouth), modifies the eligibility requirements for unemployment insurance and temporary disability insurance benefits.

A-895, sponsored by Assembly Members Bateman (R-Morris/Somerset) and Biondi (R-Morris/Somerset) and Senators Singer (R-Burlington/Monmouth/Ocean) and Bark (R-Atlantic/Burlington/Camden), establishes a special license to promote agriculture.

S-462, sponsored by Senators Singer (R-Burlington/Monmouth/Ocean) and Kosco (R-Bergen) and Assembly Members Malone (R-Burlington/Monmouth/Ocean) and Cottrell (R-Burlington/Monmouth/Ocean), creates a drunk driver visitation program.

A-2006, sponsored by Assembly Member O'Toole (R-Essex/Union) requires a sentence imposed on inmates for assault on corrections and law enforcement employees to run consecutively to other sentences.

SCS for S-141 and S-1054, sponsored by Senators Bark (R-Atlantic/Burlington/ Camden), Singer (R-Burlington/Monmouth.Ocean), Matheussen (R-Camden/Gloucester) and Martin (R-Essex/Morris/Passaic) and Assembly Members Bodine (R-Atlantic/Burlington/ Camden) and Chatzidakis (R-Atlantic/Burlington/Camden), increases the number of tuition-free credits that a member of the National Guard may earn in undergraduate study and extends the credits to graduate study.