

§§1-8 -  
C.13-1L-29 to  
13:1L-36  
§§9-10 -  
C.54:4-23.7a &  
54:4-23.7b  
§16 - Note

P.L. 2009, CHAPTER 256, *approved January 17, 2010*  
Senate Committee Substitute (*First Reprint*) for  
Senate, No. 713

1 AN ACT concerning forest stewardship, supplementing Title 13 of  
2 the Revised Statutes, amending and supplementing P.L.1964,  
3 c.48, and amending P.L.2004, c.120 and P.L.2005, c.367.  
4

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

8 1. (New section) a. The Legislature finds and declares that  
9 forest lands are critical to the environmental welfare of the State;  
10 that forest lands help clean and refresh the air by filtering dust and  
11 particulates; that forest lands absorb carbon dioxide and release  
12 oxygen, helping to reduce global warming; that forest lands help  
13 clean and protect the waters of the State, promote replenishment of  
14 aquifers, stabilize soils, provide shade, and provide habitat essential  
15 to sustaining New Jersey's native biodiversity, including habitat  
16 critical for endangered and threatened species and species of special  
17 concern; and that it is proper to consider the management of forests  
18 in a sustainable manner as an agricultural or horticultural use which  
19 yields public benefits.

20 b. The Legislature further finds and declares that forest lands are  
21 critical to the social welfare of the State; that forest lands are a  
22 necessary and important part of community and urban  
23 environments, and are essential to the maintenance of quality of life  
24 in the State; that forest lands afford outdoor recreational  
25 opportunities and irreplaceable aesthetic benefits; and that forest  
26 lands promote the health of the citizenry by contributing to the  
27 availability of clean air and water.

28 c. The Legislature further finds and declares that forest lands  
29 contribute to the economic well being of the State through increased  
30 property values, ecotourism, business opportunities, and forest  
31 products, and through helping to preserve New Jersey as a place  
32 where both employers and skilled and talented employees choose to  
33 reside.

**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:

<sup>1</sup> Assembly AAN committee amendments adopted May 11, 2009.

1 d. The Legislature further finds and declares that forest lands are  
2 an irreplaceable component of the environment worthy of  
3 conservation and stewardship and that they must be nurtured to  
4 guarantee sustained and improved yields of forest benefits; that the  
5 State's publicly and ~~'[privately-owned]~~ privately owned<sup>1</sup> forest  
6 lands are now seldom managed effectively due to a lack of  
7 guidance, resources, and incentives for improved forest  
8 stewardship; and that care and management of forest lands could be  
9 enhanced through the establishment of a forest stewardship  
10 program.

11 e. The Legislature therefore determines that it is in the public  
12 interest to establish a forest stewardship program to develop and  
13 promote the long-term active management of the State's forest  
14 resources in order to preserve and enhance those resources and  
15 realize the benefits thereof.

16

17 2. (New section) As used in sections 1 through 8 of  
18 P.L. , c. (C. ) (pending before the Legislature as this bill):

19 "Department" means the Department of Environmental  
20 Protection.

21 "Forest stewardship plan" means a plan prepared and  
22 implemented by an owner of forest land, and approved by the  
23 department, pursuant to section 3 of P.L. , c. (C. ) (pending  
24 before the Legislature as this bill).

25 "Local government unit" means a municipality, county, or other  
26 political subdivision of the State, or any agency, board,  
27 commission, utilities authority or other authority, or other entity  
28 thereof.

29 "Owner" means an owner of forest land.

30 "Sustainability" means, with respect to forest land, having the  
31 ability to: (1) maintain its ecological processes, biodiversity,  
32 resource productivity, regeneration capacity, and vitality; and  
33 promote forest health, preclude the spread of invasive non-native  
34 species, maintain forest integrity and contiguity, preserve New  
35 Jersey's native biodiversity, and protect endangered and threatened  
36 species and species of special concern and the habitat that sustains  
37 them; and (2) realize the potential to fulfill now and for future  
38 generations, relevant ecological, environmental, economic, and  
39 social functions, including but not limited to protection and  
40 improvement of air quality and of water supply and water quality,  
41 stabilization of soils, prevention and suppression of uncontrolled  
42 wildfires, service of markets for forest products, provision of  
43 recreational opportunities, and improvement of quality of life.

44 "Sustainable manner" means employing practices for the use and  
45 care of forest land that promote sustainability and do not cause  
46 damage to other ecosystems, and avoiding acts and omissions that  
47 undermine sustainability.

1       3. (New section) a. The department shall establish a forest  
2 stewardship program under which an owner, in conjunction with a  
3 forester or other professional selected by the owner from a list of  
4 foresters approved by the department, or from a list of other  
5 professionals authorized by the department in consultation with the  
6 forest stewardship advisory committee established pursuant to  
7 section 8 of P.L. , c. (C. ) (pending in the Legislature as this  
8 bill), may prepare a forest stewardship plan for land, five acres or  
9 greater in area, submit the plan to the department for approval, and  
10 implement the plan as approved, or as subsequently amended with  
11 the approval of the department.

12       A forest stewardship plan, at a minimum, shall:

13       (1) conform with the rules and regulations adopted pursuant to  
14 section 8 of P.L. , c. (C. ) (pending before the Legislature as  
15 this bill) designed to ensure the sustainability of forest lands;

16       (2) list the owner's long term stewardship goals for the forest  
17 land; and, for each year that the plan applies, list the activities to be  
18 implemented that year, including the activities designed to ensure  
19 the sustainability of the forest land as well as activities designed to  
20 eliminate excessive and unnecessary cutting, and provide the  
21 rationale for each activity listed; and

22       (3) establish the monitoring, recordkeeping, and reporting  
23 necessary to document implementation of the forest stewardship  
24 plan, including documentation of activities and inspections  
25 performed.

26       Notwithstanding the provisions of section 6 of P.L. ,  
27 c. (C. ) (pending before the Legislature as this bill), a forest  
28 stewardship plan submitted for land in the pinelands area shall  
29 comply with the standards of the comprehensive management plan  
30 for the pinelands area adopted pursuant to P.L.1979, c.111  
31 (C.13:18A-1 et seq.).

32       b. The department may elect to inspect the forest land, prior to  
33 determining whether to approve a forest stewardship plan, in order  
34 to assess the appropriateness and sufficiency of the proposed plan.

35       After the department approves a forest stewardship plan, the  
36 forest land shall be subject to inspection by the department during  
37 one of the first three years following approval and at least once  
38 every three years following the first inspection.

39       c. A forest stewardship plan shall be valid for a period of 10  
40 years, unless sooner terminated by the owner or revoked by the  
41 department. To continue, without interruption, participation in the  
42 forest stewardship program, an owner shall prepare a new or revised  
43 forest stewardship plan pursuant to subsection a. of this section and,  
44 in accordance with procedures established by the department, obtain  
45 the department's approval of the new or revised forest stewardship  
46 plan prior to the expiration date of the current forest stewardship  
47 plan.

1 d. A forest stewardship plan approved pursuant to this section  
2 shall be considered to be a woodland management plan pursuant to  
3 section 3 of the "Farmland Assessment Act of 1964," P.L.1964, c.48  
4 (C.54:4-23.3) when the approved forest stewardship plan is  
5 submitted as part of an application for valuation, assessment and  
6 taxation pursuant to the "Farmland Assessment Act of 1964,"  
7 P.L.1964, c.48 (C.54:4-23.1 et seq.).  
8

9 4. (New section) a. For the purposes of section 1 of P.L.2005,  
10 c.367 (C.52:32-45), the department shall establish a forest  
11 certification program under which the department may certify that  
12 forest land is managed in a sustainable manner, provided that:

13 (1) the owner has obtained a forest stewardship plan approved by  
14 the department pursuant to section 3 of P.L. , c. (C. )  
15 (pending before the Legislature as this bill); and

16 (2) the owner and a forester or other professional selected by the  
17 owner from a list of foresters approved by the department, or from a  
18 list of other professionals authorized by the department in  
19 consultation with the forest stewardship advisory committee  
20 established pursuant to section 8 of P.L. , c. (C. ) (pending in  
21 the Legislature as this bill), has annually attested to full compliance  
22 with the forest stewardship plan for at least two years.

23 b. Certification pursuant to subsection a. of this section, or  
24 renewal thereof, shall be in accordance with procedures established  
25 by the department and shall be valid for five years, except that the  
26 department may withdraw certification if the department determines  
27 that the owner has failed to maintain full implementation of the  
28 forest stewardship plan. To maintain in good standing the  
29 certification of forest land beyond the date that a forest stewardship  
30 plan expires, the owner shall obtain the department's approval of a  
31 new or revised forest stewardship plan pursuant to section 3 of  
32 P.L. , c. (C. ) (pending before the Legislature as this bill)  
33 prior to the expiration date of the current forest stewardship plan.  
34

35 5. (New section) a. There is established in the General Fund a  
36 special nonlapsing fund, to be known as the "Forest Stewardship  
37 Incentive Fund." Moneys in the fund shall be dedicated to:

38 (1) providing grants to persons for the purpose of developing  
39 'and implementing' a forest stewardship plan pursuant to section 3  
40 of P.L. , c. (C. ) (pending before the Legislature as this bill);

41 (2) paying the costs of the department to develop, implement,  
42 and administer the provisions of P.L. , c. (C. ) (pending before  
43 the Legislature as this bill); and

44 (3) providing for the stewardship and management of State  
45 forests.

46 b. The fund shall be credited with:

1 (1) the amount allocated for programs that enhance the  
2 stewardship and restoration of the State's forests pursuant to section  
3 7 of P.L.2007, c.340 (C.26:2C-51) from the "Global Warming  
4 Solutions Fund," established pursuant to section 6 of P.L.2007,  
5 c.340 (C.26:2C-50);

6 (2) any other moneys as may be appropriated to the fund by the  
7 Legislature or otherwise provided to the fund; and

8 (3) any return on the investment of moneys deposited in the fund.

9 c. In each State fiscal year, the amount credited to the Forest  
10 Stewardship Incentive Fund shall be appropriated to the fund for the  
11 purposes set forth in this section.

12 d. The department may award individual grants of up to \$1,500  
13 from the fund to pay for the cost of developing a forest stewardship  
14 plan pursuant to section 3 of P.L. , c. (C. ) (pending before the  
15 Legislature as this bill). If the cost of developing a forest  
16 stewardship plan exceeds \$1,500, the department may also award 80  
17 percent of the cost that exceeds \$1,500 to the owner, up to a  
18 maximum grant of \$2,500. Grants from the fund may be made to  
19 local government units, nonprofit organizations, and private owners  
20 of forest land. Notwithstanding the provisions of this subsection to  
21 the contrary, the amount of the grants prescribed by this subsection  
22 may be adjusted annually by the department in direct proportion to  
23 the increase in the Consumer Price Index for all urban consumers in  
24 the New York City area as reported by the United States  
25 Department of Labor.

26 <sup>1</sup>e. The department may award individual grants through a cost-  
27 sharing program established pursuant to subsection c. of section 8  
28 of P.L. , c. (C. ) (pending before the Legislature as this bill)  
29 to private owners who have obtained a forest stewardship plan  
30 approved by the department pursuant to section 3 of P.L. ,  
31 c. (C. ) (pending before the Legislature as this bill). The  
32 department shall expend no more than \$150,000 in any State fiscal  
33 year for grants awarded through the cost-sharing program.<sup>1</sup>  
34

35 6. (New section) No local government unit may enact, on or  
36 after the date of enactment of P.L. , c. (C. ) (pending before  
37 the Legislature as this bill), any ordinance, rule, or resolution, as  
38 appropriate, that conflicts with, prevents or impedes the  
39 implementation of a forest stewardship plan approved pursuant to  
40 section 3 of P.L. , c. (C. ) (pending before the Legislature as  
41 this bill) or impose a fee in excess of \$100 in any calendar year for  
42 the cutting of trees on any land that is the subject of an approved  
43 forest stewardship plan. The provisions of P.L. , c. (C. )  
44 (pending before the Legislature as this bill) supersede any such  
45 ordinance, rule, or resolution, as appropriate, enacted or adopted on  
46 or prior to the date of enactment of P.L. , c. (C. ) (pending  
47 before the Legislature as this bill).

1       7. (New section) a. The department, utilizing guidance  
2 provided by the United States Forest Service and in consultation  
3 with the forest stewardship advisory committee established pursuant  
4 to subsection '[c.] d.' of section 8 of P.L. , c. (C. ) (pending  
5 before the Legislature as this bill), and with the benefit of public  
6 comment, shall develop and establish forest sustainability criteria  
7 and indicators appropriate to the circumstances encountered in New  
8 Jersey, as a basis for monitoring, recording, and assessing the  
9 extent, condition, and sustainability of all New Jersey forests,  
10 whether publicly or privately owned. The department shall prepare  
11 a report setting forth the findings and assessments based on these  
12 forest sustainability criteria and indicators by February 1 of the  
13 third year after the date of enactment of P.L. , c. (C. )  
14 (pending before the Legislature as this bill), and every seven years  
15 thereafter, which report shall include any recommendations for  
16 legislative or administrative action. The Commissioner of  
17 Environmental Protection shall transmit the report to the Governor  
18 and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the  
19 Legislature.

20       b. The department shall consider the findings and assessments  
21 set forth in the forest sustainability criteria and indicators report  
22 prepared pursuant to subsection a. of this section to determine how  
23 to adapt the rules and regulations adopted pursuant to section 8 of  
24 P.L. , c. (C. ) (pending before the Legislature as this bill) to  
25 ensure the sustainability of forest lands, to set priorities for the  
26 management of State-owned forest lands, and to assist in  
27 establishing priorities for the use of State funds for the acquisition  
28 of forest lands.

29  
30       8. (New section) The department shall adopt, pursuant to the  
31 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
32 seq.), rules and regulations necessary for the implementation of P.L.  
33 , c. (C. ) (pending before the Legislature as this bill), including  
34 rules and regulations:

35       a. setting forth policies, guidelines and best management  
36 practices that establish standards designed to ensure the  
37 sustainability of forest lands, which may be applicable to any  
38 publicly and privately owned forest land;

39       b. establishing, in consultation with the forest stewardship  
40 advisory committee established pursuant to subsection '[c.] d.' of  
41 this section, professional standards and requirements of persons in  
42 addition to foresters on the list approved by the department,  
43 authorized to prepare forest stewardship plans pursuant to section 3  
44 of P.L. , c. (C. ) (pending before the Legislature as this bill);  
45 '[and]'

46       c. 'establishing, in consultation with the forest stewardship  
47 advisory committee established pursuant to subsection d. of this

1 section, a cost-sharing program modeled upon the federal forest  
2 land enhancement program established pursuant to 16 U.S.C. s.2103  
3 to provide individual grants to private owners to assist with a  
4 portion of the costs associated with the implementation of forest  
5 stewardship plans approved by the department pursuant to section 3  
6 of P.L. , c. (C. ) (pending before the Legislature as this bill);  
7 and identifying eligibility criteria, establishing the reimbursement  
8 rate, and developing a priority ranking system for grant  
9 applications; and

10 d.<sup>1</sup> establishing a forest stewardship advisory committee,  
11 consistent with the federal requirements for the establishment of a  
12 State Forest Stewardship Coordinating Committee pursuant to 16  
13 U.S.C. s.2113, to advise the department (1) on issues related to  
14 forest stewardship and recommend programs, actions and standards,  
15 including rules and regulations, policies, guidelines and best  
16 management practices, for the conservation and stewardship of  
17 forest lands, and (2) with respect to the standards and requirements  
18 to be established pursuant to subsection b. of this section.

19

20 9. (New section) As used in this section and section 10 of  
21 P.L. , c. (C. ) (pending before the Legislature as this bill):

22 “Forest stewardship plan” means a plan prepared and  
23 implemented by an owner of forest land, and approved by the  
24 Department of Environmental Protection, pursuant to section 3 of  
25 P.L. , c. (C. ) (pending before the Legislature as this bill).

26 “Owner” means an owner of forest land.

27 “Woodland management plan” means a plan prepared and  
28 implemented by an owner of forest land or woodland pursuant to  
29 section 3 of the "Farmland Assessment Act of 1964," P.L.1964, c.48  
30 (C.54:4-23.3) and any rule or regulation adopted pursuant thereto.

31

32 10. (New section) a. Notwithstanding any provision of the  
33 "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et  
34 seq.), or any rule or regulation adopted pursuant thereto, to the  
35 contrary, an owner who annually submits an application pursuant to  
36 subsection c. of section 3 of P.L.1964, c.48 (C.54:4-23.3) may  
37 provide a forest stewardship plan or a woodland management plan  
38 to accompany the application.

39 b. When a forest stewardship plan is submitted with an  
40 application pursuant to subsection a. of this section, the forest land  
41 shall not be deemed to be actively devoted to agricultural or  
42 horticultural use for the two successive years immediately  
43 preceding the tax year in issue if the forest stewardship plan has  
44 expired during those two years and a new forest stewardship plan  
45 has not been approved prior to the expiration date of the current  
46 forest stewardship plan.

1 c. In the case where a forest stewardship plan was approved  
2 more than two years preceding the tax year in issue, the forest land  
3 shall be deemed to be actively devoted to agricultural or  
4 horticultural use and to have been so devoted for at least the two  
5 successive years immediately preceding the tax year in issue if the  
6 owner has implemented in full the approved forest stewardship plan  
7 for at least the two successive years immediately preceding the tax  
8 year in issue.

9 d. In the case where a forest stewardship plan was approved less  
10 than two years preceding the tax year in issue, the forest land shall  
11 be deemed to be actively devoted to agricultural or horticultural use  
12 and to have been so devoted for at least two successive years  
13 immediately preceding the tax year in issue if:

14 (1) the owner has implemented in full the forest stewardship plan  
15 once it was approved; and

16 (2) for at least the remaining portion of the two-year period  
17 immediately preceding the tax year in issue, prior to the approval of  
18 the forest stewardship plan, the forest land qualifies, pursuant to  
19 sections 5 and 6 of the "Farmland Assessment Act of 1964,"  
20 P.L.1964, c.48 (C.54:4-23.5 and C.54:4-23.6), to be deemed to have  
21 been actively devoted to agricultural or horticultural use.  
22 Additionally, if the land was devoted exclusively to the production  
23 for sale of tree and forest products, other than Christmas trees, and  
24 is not appurtenant woodland, the owner must have established a  
25 woodland management plan more than two years preceding the tax  
26 year in issue and complied with that plan until such time as a forest  
27 stewardship plan was approved pursuant to section 3 of  
28 P.L. , c. (C. ) (pending before the Legislature as this bill).

29 e. The Department of Environmental Protection, in consultation  
30 with the Department of Agriculture and the Department of the  
31 Treasury, shall adopt, pursuant to the "Administrative Procedure  
32 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), any rules and  
33 regulations necessary for the implementation of this section.  
34

35 11. Section 30 of P.L.2004, c.120 (C.13:20-28) is amended to  
36 read as follows:

37 30. a. The following are exempt from the provisions of this act,  
38 the regional master plan, any rules or regulations adopted by the  
39 Department of Environmental Protection pursuant to this act, or any  
40 amendments to a master plan, development regulations, or other  
41 regulations adopted by a local government unit to specifically  
42 conform them with the regional master plan:

43 (1) the construction of a single family dwelling, for an  
44 individual's own use or the use of an immediate family member, on  
45 a lot owned by the individual on the date of enactment of this act or  
46 on a lot for which the individual has on or before May 17, 2004  
47 entered into a binding contract of sale to purchase that lot;



- 1 (2) the construction of a single family dwelling on a lot in  
2 existence on the date of enactment of this act, provided that the  
3 construction does not result in the ultimate disturbance of one acre  
4 or more of land or a cumulative increase in impervious surface by  
5 one-quarter acre or more;
- 6 (3) a major Highlands development that received on or before  
7 March 29, 2004:
- 8 (a) one of the following approvals pursuant to the "Municipal  
9 Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.):
- 10 (i) preliminary or final site plan approval;
- 11 (ii) final municipal building or construction permit;
- 12 (iii) minor subdivision approval where no subsequent site plan  
13 approval is required;
- 14 (iv) final subdivision approval where no subsequent site plan  
15 approval is required; or
- 16 (v) preliminary subdivision approval where no subsequent site  
17 plan approval is required; and
- 18 (b) at least one of the following permits from the Department of  
19 Environmental Protection, if applicable to the proposed major  
20 Highlands development:
- 21 (i) a permit or certification pursuant to the "Water Supply  
22 Management Act," P.L.1981, c.262 (C.58:1A-1 et seq.);
- 23 (ii) a water extension permit or other approval or authorization  
24 pursuant to the "Safe Drinking Water Act," P.L.1977, c.224  
25 (C.58:12A-1 et seq.);
- 26 (iii) a certification or other approval or authorization issued  
27 pursuant to the "The Realty Improvement Sewerage and Facilities  
28 Act (1954)," P.L.1954, c.199 (C.58:11-23 et seq.); or
- 29 (iv) a treatment works approval pursuant to the "Water Pollution  
30 Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.); or
- 31 (c) one of the following permits from the Department of  
32 Environmental Protection, if applicable to the proposed major  
33 Highlands development, and if the proposed major Highlands  
34 development does not require one of the permits listed in  
35 subparagraphs (i) through (iv) of subparagraph (b) of this  
36 paragraph:
- 37 (i) a permit or other approval or authorization issued pursuant to  
38 the "Freshwater Wetlands Protection Act," P.L.1987, c.156  
39 (C.13:9B-1 et seq.); or
- 40 (ii) a permit or other approval or authorization issued pursuant to  
41 the "Flood Hazard Area Control Act," P.L.1962, c.19 (C.58:16A-  
42 50 et seq.).
- 43 The exemption provided in this paragraph shall apply only to the  
44 land area and the scope of the major Highlands development  
45 addressed by the qualifying approvals pursuant to subparagraphs (a)  
46 and (b), or (c) if applicable, of this paragraph, shall expire if any of  
47 those qualifying approvals expire, and shall expire if construction

- 1 beyond site preparation does not commence within three years after  
2 the date of enactment of this act;
- 3 (4) the reconstruction of any building or structure for any reason  
4 within 125% of the footprint of the lawfully existing impervious  
5 surfaces on the site, provided that the reconstruction does not  
6 increase the lawfully existing impervious surface by one-quarter  
7 acre or more. This exemption shall not apply to the reconstruction  
8 of any agricultural or horticultural building or structure for a non-  
9 agricultural or non-horticultural use;
- 10 (5) any improvement to a single family dwelling in existence on  
11 the date of enactment of this act, including but not limited to an  
12 addition, garage, shed, driveway, porch, deck, patio, swimming  
13 pool, or septic system;
- 14 (6) any improvement, for non-residential purposes, to a place of  
15 worship owned by a nonprofit entity, society or association, or  
16 association organized primarily for religious purposes, or a public  
17 or private school, or a hospital, in existence on the date of  
18 enactment of this act, including but not limited to new structures, an  
19 addition to an existing building or structure, a site improvement, or  
20 a sanitary facility;
- 21 (7) an activity conducted in accordance with an approved  
22 woodland management plan pursuant to section 3 of P.L.1964, c.48  
23 (C.54:4-23.3) or a forest stewardship plan approved pursuant to  
24 section 3 of P.L. , c. (C. ) (pending before the Legislature as this  
25 bill), or the normal harvesting of forest products in accordance with  
26 a forest management plan or forest stewardship plan approved by  
27 the State Forester;
- 28 (8) the construction or extension of trails with non-impervious  
29 surfaces on publicly owned lands or on privately owned lands  
30 where a conservation or recreational use easement has been  
31 established;
- 32 (9) the routine maintenance and operations, rehabilitation,  
33 preservation, reconstruction, or repair of transportation or  
34 infrastructure systems by a State entity or local government unit,  
35 provided that the activity is consistent with the goals and purposes  
36 of this act and does not result in the construction of any new  
37 through-capacity travel lanes;
- 38 (10) the construction of transportation safety projects and bicycle  
39 and pedestrian facilities by a State entity or local government unit,  
40 provided that the activity does not result in the construction of any  
41 new through-capacity travel lanes;
- 42 (11) the routine maintenance and operations, rehabilitation,  
43 preservation, reconstruction, repair, or upgrade of public utility  
44 lines, rights of way, or systems, by a public utility, provided that the  
45 activity is consistent with the goals and purposes of this act;
- 46 (12) the reactivation of rail lines and rail beds existing on the  
47 date of enactment of this act;

1 (13) the construction of a public infrastructure project approved  
2 by public referendum prior to January 1, 2005 or a capital project  
3 approved by public referendum prior to January 1, 2005;

4 (14) the mining, quarrying, or production of ready mix concrete,  
5 bituminous concrete, or Class B recycling materials occurring or  
6 which are permitted to occur on any mine, mine site, or construction  
7 materials facility existing on June 7, 2004;

8 (15) the remediation of any contaminated site pursuant to  
9 P.L.1993, c.139 (C.58:10B-1 et seq.);

10 (16) any lands of a federal military installation existing on the  
11 date of enactment of this act that lie within the Highlands Region;  
12 and

13 (17) a major Highlands development located within an area  
14 designated as Planning Area 1 (Metropolitan), or Planning Area 2  
15 (Suburban), as designated pursuant to P.L.1985, c.398 (C.52:18A-  
16 196 et seq.) as of March 29, 2004, that on or before March 29, 2004  
17 has been the subject of a settlement agreement and stipulation of  
18 dismissal filed in the Superior Court, or a builder's remedy issued  
19 by the Superior Court, to satisfy the constitutional requirement to  
20 provide for the fulfillment of the fair share obligation of the  
21 municipality in which the development is located. The exemption  
22 provided pursuant to this paragraph shall expire if construction  
23 beyond site preparation does not commence within three years after  
24 receiving all final approvals required pursuant to the "Municipal  
25 Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.).

26 b. The exemptions provided in subsection a. of this section shall  
27 not be construed to alter or obviate the requirements of any other  
28 applicable State or local laws, rules, regulations, development  
29 regulations, or ordinances.

30 c. Nothing in this act shall be construed to alter the funding  
31 allocation formulas established pursuant to the "Garden State  
32 Preservation Trust Act," P.L.1999, c.152 (C.13:8C-1 et seq.).

33 d. Nothing in this act shall be construed to repeal, reduce, or  
34 otherwise modify the obligation of counties, municipalities, and  
35 other municipal and public agencies of the State to pay property  
36 taxes on lands used for the purpose and for the protection of a  
37 public water supply, without regard to any buildings or other  
38 improvements thereon, pursuant to R.S.54:4-3.3.

39 (cf: P.L.2004, c.120, s.30)

40

41 12. Section 1 of P.L.2005, c.367 (C.52:32-45) is amended to  
42 read as follows:

43 1. a. Notwithstanding the provisions of any other law to the  
44 contrary, the Director of the Division of Purchase and Property in  
45 the Department of the Treasury, the Director of the Division of  
46 Property Management and Construction in the Department of the  
47 Treasury, or any State agency having authority to contract for the

1 purchase of goods or services, shall whenever possible give  
2 preference to wood or paper products derived from sustainably  
3 managed forests or procurement systems when entering into or  
4 renewing a contract for the purchase of such goods or related  
5 services. Any preference provided pursuant to this subsection may  
6 not supersede any preference given to recycled paper and paper  
7 products pursuant to P.L.1987, c. 102 (C.13:1E-99.11 et seq.).

8 In preparing the specifications for any contract for the purchase  
9 of goods and services the Director of the Division of Purchase and  
10 Property, the Director of the Division of Property Management and  
11 Construction, or any State agency having authority to contract for  
12 the purchase of goods or services shall include in the invitation to  
13 bid, where relevant, a statement that any response to the invitation  
14 that proposes or calls for the use of wood or paper products derived  
15 from sustainably managed forests or procurement systems shall  
16 receive preference whenever possible.

17 b. The provisions of subsection a. of this section shall not apply:

18 (1) To any binding contractual obligations for the purchase of  
19 goods or services entered into prior to the effective date of **[this**  
20 **act]** P.L.2005, c.367 (C.52:32-45 et seq.) ;

21 (2) To bid packages advertised and made available to the public,  
22 or to any competitive and sealed bids received by the State, prior to  
23 the effective date of **[this act]** P.L.2005, c.367 (C.52:32-45 et seq.);  
24 or

25 (3) To any amendment, modification, or renewal of a contract,  
26 which contract was entered into prior to the effective date of **[this**  
27 **act]** P.L.2005, c.367 (C.52:32-45 et seq.) where the application  
28 would delay timely completion of a project or involve an increase in  
29 the total moneys to be paid by the State under that contract.

30 c. For the purposes of **[this act]** P.L.2005, c.367 (C.52:32-45 et  
31 seq.) , "derived from sustainably managed forests or procurement  
32 systems" means the source of the wood or paper product is a forest  
33 or system for procuring wood or paper products that is certified by  
34 the Department of Environmental Protection under the forest  
35 certification program established pursuant to section 4 of  
36 P.L. , c. (C. ) (pending before the Legislature as this bill) or  
37 by an independent third party using one or more of the following  
38 certification programs or standards:

39 (1) The Sustainable Forestry Initiative program;

40 (2) The American Forest Foundation American Tree Farm  
41 System program;

42 (3) The sustainable forest management system standards of the  
43 Canadian Standards Association;

44 (4) The Forest Stewardship Council certification program;

45 (5) The Pan-European forest certification system;

46 (6) The Finnish Forest Certification System;

47 (7) The United Kingdom Woodland Assurance Standard;

1 (8) The International Organization for Standardization (ISO)  
2 standard 14001; or

3 (9) Any other certification program or standard that the State  
4 Treasurer or the Commissioner of Environmental Protection  
5 determines may be used to certify that wood or paper products are  
6 derived from sustainably managed forests or procurement systems.  
7 (cf: P.L.2005, c.367, s.1)

8  
9 13. Section 3 of P.L.1964, c.48 (C.54:4-23.3) is amended to read  
10 as follows:

11 3. Land shall be deemed to be in agricultural use when devoted  
12 to the production for sale of plants and animals useful to man,  
13 including but not limited to: forages and sod crops; grains and feed  
14 crops; dairy animals and dairy products; poultry and poultry  
15 products; livestock, including beef cattle, sheep, swine, horses,  
16 ponies, mules or goats, including the breeding, boarding, raising,  
17 rehabilitating, training or grazing of any or all of such animals ,  
18 except that "livestock" shall not include dogs; bees and apiary  
19 products; fur animals; trees and forest products; or when devoted to  
20 and meeting the requirements and qualifications for payments or  
21 other compensation pursuant to a soil conservation program under  
22 an agreement with an agency of the federal government, except that  
23 land which is devoted exclusively to the production for sale of tree  
24 and forest products, other than Christmas trees, or devoted as  
25 sustainable forestland, and is not appurtenant woodland, shall not  
26 be deemed to be in agricultural use unless the landowner fulfills the  
27 following additional conditions:

28 a. The landowner establishes and complies with the provisions  
29 of a forest stewardship plan for this land, approved by the  
30 Department of Environmental Protection pursuant to section 3 of  
31 P.L. , c. (C. ) (pending before the Legislature as this bill), or a  
32 woodland management plan for this land, prepared in accordance  
33 with policies, guidelines and practices approved by the Division of  
34 Parks and Forestry in the Department of Environmental Protection,  
35 in consultation with the Department of Agriculture and the Dean of  
36 Cook College at Rutgers, The State University, which policies,  
37 guidelines and practices are designed to eliminate excessive and  
38 unnecessary cutting;

39 b. The landowner, and a forester from a list of foresters  
40 approved by the Department of Environmental Protection or other  
41 professional from a list of other professionals authorized by the  
42 department in consultation with the forest stewardship advisory  
43 committee established pursuant to section 8 of P.L. , c. (C. )  
44 (pending in the Legislature as this bill), annually attest to  
45 compliance with subsection a. of this section; and

46 c. The landowner annually submits an application, as prescribed  
47 in section 13 of P.L.1964, c.48 (C.54:4-23.13), to the assessor,

1 accompanied by a copy of the plan established pursuant to  
2 subsection a. of this section; written documentation of compliance  
3 with subsection b. of this section; a supplementary woodland data  
4 form setting forth woodland management actions taken in the pre-  
5 tax year, the type and quantity of tree and forest products sold, and  
6 the amount of income received or anticipated for same; a map of the  
7 land showing the location of the activity and the soil group classes  
8 of the land; and other pertinent information required by the Director  
9 of the Division of Taxation as part of the application for valuation,  
10 assessment and taxation, as provided in P.L.1964, c.48 (C.54:4-23.1  
11 et seq.). The landowner shall, at the same time, submit to the  
12 Commissioner of the Department of Environmental Protection an  
13 exact copy of the application and accompanying information  
14 submitted to the assessor pursuant to this subsection. For the  
15 purposes of this amendatory and supplementary act, "appurtenant  
16 woodland" means a wooded piece of property which is contiguous  
17 to, part of, or beneficial to a tract of land, which tract of land has a  
18 minimum area of at least five acres devoted to agricultural or  
19 horticultural uses other than the production for sale of trees and  
20 forest products, exclusive of Christmas trees, to which tract of land  
21 the woodland is supportive and subordinate.

22 (cf: P.L.1995, c.276, s.1)

23

24 14. Section 5 of P.L.1964, c.48 (C.54:4-23.5) is amended to read  
25 as follows:

26 5. **【Land】** a. Except as otherwise provided in subsection b. of  
27 this section, land, five acres in area, shall be deemed to be actively  
28 devoted to agricultural or horticultural use when the amount of the  
29 gross sales of agricultural or horticultural products produced  
30 thereon, any payments received under a soil conservation program,  
31 fees received for breeding, raising or grazing any livestock, income  
32 imputed to land used for grazing in the amount determined by the  
33 State Farmland Evaluation Advisory Committee created pursuant to  
34 section 20 of P.L.1964, c.48 (C.54:4-23.20), and fees received for  
35 boarding, rehabilitating or training any livestock where the land  
36 under the boarding, rehabilitating or training facilities is contiguous  
37 to land which otherwise qualifies for valuation, assessment and  
38 taxation under this act, have averaged at least \$500.00 per year  
39 during the two-year period immediately preceding the tax year in  
40 issue, or there is clear evidence of anticipated yearly gross sales and  
41 such payments amounting to at least \$500.00 within a reasonable  
42 period of time.

43 In addition, where the land is more than five acres in area, it  
44 shall be deemed to be actively devoted to agricultural or  
45 horticultural use when the amount of the gross sales of agricultural  
46 or horticultural products produced on the area above five acres, any  
47 payments received under a soil conservation program, fees received

1 for breeding, raising or grazing any livestock, income imputed to  
2 land used for grazing in the amount determined by the State  
3 Farmland Evaluation Advisory Committee created pursuant to  
4 section 20 of P.L.1964, c.48 (C.54:4-23.20), and fees received for  
5 boarding, rehabilitating or training any livestock where the land  
6 under the boarding, rehabilitating or training facilities is contiguous  
7 to land which otherwise qualifies for valuation, assessment and  
8 taxation under this act, have averaged at least \$5.00 per acre per  
9 year during the two-year period immediately preceding the tax year  
10 in issue, or there is clear evidence of anticipated yearly gross sales  
11 and such payments amounting to an average of at least \$5.00 per  
12 year within a reasonable period of time; except in the case of  
13 woodland and wetland, where the minimum requirement shall be an  
14 average of \$0.50 per acre on the area above five acres.

15 As used in this section, "livestock" shall not include dogs.

16 For the purposes of this section, the presence of an intervening  
17 public thoroughfare shall not preclude a finding of contiguity.

18 Land previously qualified as actively devoted to agricultural or  
19 horticultural use under the act; but failing to meet the additional  
20 requirement on acreage above five acres shall not be subject to the  
21 roll-back tax because of such disqualification, but shall be treated as  
22 land for which an annual application has not been submitted.

23 In determining the eligibility of land for valuation, assessment  
24 and taxation pursuant to P.L.1964, c.48 (C.54:4-23.1 et seq.), the  
25 assessor of the taxing district in which the land is located shall,  
26 upon request by the owner of the land, exempt the owner from the  
27 income requirements of this section if the owner demonstrates to  
28 the satisfaction of the assessor that the failure to meet the income  
29 requirements was due to an injury, illness or death of the person  
30 responsible for performing the activities which produce the income  
31 necessary to meet the income eligibility requirement of this section.  
32 The request of the owner shall be accompanied by a certificate of a  
33 physician stating that the person was physically incapacitated or by  
34 a certified copy of the death certificate, as the case may be. The  
35 assessor may only grant an exemption once for a particular illness,  
36 injury or death.

37 b. The gross sales, payments, imputed income, and fees received  
38 requirements of this section shall not apply to land that (1) is the  
39 subject of a forest stewardship plan approved by the Department of  
40 Environmental Protection pursuant to section 3 of P.L. \_\_\_\_\_,  
41 c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the Legislature as this bill) which is  
42 fully implemented, and (2) otherwise qualifies under the "Farmland  
43 Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.), for  
44 valuation, assessment and taxation as land in agricultural or  
45 horticultural use pursuant to section 3 of P.L.1964, c.48 (C.54:4-  
46 23.3).

47 (cf: P.L.1995, c.276, s.2)

1       15. Section 14 of P.L.1964, c.48 (C.54:4-23.14) is amended to  
2 read as follows:

3       14. Application for valuation, assessment and taxation of land in  
4 agricultural or horticultural use under this act shall be on a form  
5 prescribed by the Director of the Division of Taxation in the  
6 Department of the Treasury, and provided for the use of claimants  
7 by the governing bodies of the respective taxing districts. The form  
8 of application shall provide for the reporting of information  
9 pertinent to the provisions of Article VIII, Section 1, paragraph 1(b)  
10 of the Constitution, as amended, and this act. A certification by the  
11 landowner that the facts set forth in the application are true may be  
12 prescribed by the director to be in lieu of a sworn statement to that  
13 effect. Statements so certified shall be considered as if made under  
14 oath and subject to the same penalties as provided by law for  
15 perjury. Any landowner, except those who have submitted a  
16 woodland management plan or a forest stewardship plan pursuant to  
17 section 3 of P.L.1964, c.48 (C.54:4-23.3), who is an applicant for  
18 valuation, assessment and taxation pursuant to P.L.1964, c.48  
19 (C.54:4-23.1 et seq.) for lands not previously qualified under the act  
20 shall submit with the application a map of land use classes and soil  
21 groups that conforms with standards established by the Division of  
22 Taxation in consultation with the Secretary of Agriculture. The  
23 director shall devise a form for the extension of filing time for the  
24 valuation application, which form shall include the name and  
25 address of the applicant, the reason for the extension, and a space  
26 for the approval or rejection of the assessor.  
27 (cf: P.L.1995, c.276, s.7)

28  
29       16. This act shall take effect one year following the date of  
30 enactment, but the Commissioner of Environmental Protection may  
31 take such anticipatory administrative action in advance thereof as  
32 shall be necessary for the implementation of this act.

33

34

35

36

37       Establishes forest stewardship and forest certification programs  
38 in DEP; establishes Forest Stewardship Incentive Fund.