

CHAPTER 3 FORESTRY

Authority

N.J.S.A. 13:1B-15.100 through 102, 13:1B-15.106, 13:1D-9, 13:1L-1 et seq., 45:1-9, 45:15C-1 et seq., and 54:4-23.1 et seq.

Source and Effective Date

R.2010 d.136, effective June 4, 2010.
See: 42 N.J.R. 14(a), 42 N.J.R. 1357(d).

Chapter Expiration Date

Chapter 3, Forestry, expires on June 4, 2015.

Chapter Historical Note

All provisions of this chapter 3 were adopted by the Department of Environmental Protection pursuant to authority delegated at N.J.S.A. 13:8-20 et seq. and became effective prior to September 1, 1969.

1971 Revisions: Amendments became effective October 21, 1971 as R.1971 d.189. See: 2 N.J.R. 83(b), 3 N.J.R. 221(c).

1988 Revisions: Subchapter 2 was adopted effective March 21, 1988 as R.1988 d.139. See: 20 N.J.R. 137(a), 20 N.J.R. 642(b).

Subchapter 3, Advertising By Tree Experts, was adopted as R.1990 d.188, effective April 2, 1990. See: 21 N.J.R. 3212(a), 22 N.J.R. 1122(a).

Chapter 3, Bureau of Forestry, expired on March 21, 1993 and was subsequently adopted as new rules pursuant to Executive Order No. 66(1978) as R.1993, d.304, effective June 21, 1993. See: 25 N.J.R. 1348(a), 25 N.J.R. 2704(a).

Pursuant to Executive Order No. 66(1978), Chapter 3, Bureau of Forestry, was readopted as R.1998 d.356, effective June 19, 1998. See: 30 N.J.R. 759(a), 30 N.J.R. 2659(a).

In accordance with N.J.S.A. 52:14B-5.1d, Chapter 3, Bureau of Forestry, expiration date was extended by gubernatorial directive from June 19, 2003 to June 19, 2004. See: 35 N.J.R. 2649(a).

Chapter 3, Bureau of Forestry, was readopted as R.2005 d.16, effective December 6, 2004. As a part of R.2005 d.16, Chapter 3, Bureau of Forestry, was renamed Forestry, effective January 3, 2005. See: 36 N.J.R. 3384(a), 37 N.J.R. 47(b).

Chapter 3, Forestry, was readopted as R.2010 d.136, effective June 4, 2010. As part of R.2010 d.136, Subchapter 2, Forestation Program, was renamed Forestation Program of the New Jersey State Forest Nursery, effective July 6, 2010. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS

7:3-1.1 Construction

These rules shall be liberally construed to permit the Department to discharge its statutory functions.

Recodified from N.J.A.C. 7:3-1.2 and amended by R.2005 d.16, effective January 3, 2005.

See: 36 N.J.R. 3384(a), 37 N.J.R. 47(b).

Rewrote the section. Former N.J.A.C. 7:3-1.1, Scope, repealed.

7:3-1.2 Severability

If any section, subsection, provision, clause, or portion of this chapter, or the application thereof to any person, is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the section, subsection, provision, clause, portion, or application directly involved in the controversy in which such judgment shall have been rendered and it shall not affect or impair the remainder of this chapter or the application thereof to other persons.

New Rule R.2005 d.16, effective January 3, 2005.

See: 36 N.J.R. 3384(a), 37 N.J.R. 47(b).

Rewrote the section.

7:3-1.3 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

“Advertising” or “advertisement” means the description or presentation of a product or service in some medium or communication in order to induce the public to buy, support, or approve of it, including, but not limited to, telephone directory listings, letterhead, business cards, pamphlets, flyers, lettering on vehicles, television and radio advertisements, e-mail and internet websites, and any other written, oral, verbal, auditory, visual or other electronic media.

“Approved Forester” means a forester meeting the standards and qualifications established by the Department in this chapter and whose name is entered on the Approved Forester List.

“Approved Forester List” means the list, maintained and updated by the Department in accordance with this chapter, of “Approved Foresters,” as defined above.

“Board of Tree Experts” or “Board” means the Board established by the Department pursuant to N.J.S.A. 45:15C-3.

“Certificate” means certification by the Board of a person as a Certified Tree Expert pursuant to this chapter.

“Certified Tree Expert” or “CTE” means a person who has satisfied the requirements at N.J.S.A. 45:15C-1 et seq. and this chapter, who has been issued a certificate, and whose certificate has not been suspended or revoked.

“Commissioner” means the Commissioner of the Department.

“Department” means the Department of Environmental Protection.

“Farmland Assessment Act” means the Farmland Assessment Act of 1964, N.J.S.A. 54:4-23.1 et seq., and any subsequent amendments.

“Society of American Foresters Code of Ethics” means the canons governing professional conduct, adopted by the Society of American Foresters by Member Referendum, November 3, 2000, and any subsequent revisions, and available from that agency at the following address:

Society of American Foresters
5400 Grosvenor Lane
Bethesda, Maryland 20814
Telephone number: (301) 897-8720
Facsimile number: (301) 897-3690
Email address: safweb@safnet.org.

“Woodland management plan” means a plan prepared in accordance with the criteria set forth in the Department of Treasury rules at N.J.A.C. 18-2.10, implementing the Farmland Assessment Act.

Amended by R.2005 d.16, effective January 3, 2005.
See: 36 N.J.R. 3384(a), 37 N.J.R. 47(b).
Rewrote the section.

7:3-1.4 (Reserved)

Repealed by R.2005 d.16, effective January 3, 2005.
See: 36 N.J.R. 3384(a), 37 N.J.R. 47(b).
Section was “Agreement”.

7:3-1.5 (Reserved)

As amended, R.1971 d.189, effective October 21, 1971.
See: 2 N.J.R. 83(b), 3 N.J.R. 221(c).

Repealed by R.2005 d.16, effective January 3, 2005.
See: 36 N.J.R. 3384(a), 37 N.J.R. 47(b).
Section was “Refusal”.

7:3-1.6 (Reserved)

Repealed by R.2005 d.16, effective January 3, 2005.
See: 36 N.J.R. 3384(a), 37 N.J.R. 47(b).
Section was “Distribution”.

SUBCHAPTER 2. FORESTATION PROGRAM OF THE NEW JERSEY STATE FOREST NURSERY

7:3-2.1 Scope and authority

Unless otherwise provided by rule or statute, the provisions of this subchapter shall constitute the rules of the Department, pursuant to the State Park and Forestry Resources Act, N.J.S.A. 13:1L-1 et seq., governing the State’s forestation program, as it pertains to the distribution by the Department of forestation stock, including seeds and seedlings, and to the use of that stock.

New Rule R.2005 d.16, effective January 3, 2005.
See: 36 N.J.R. 3384(a), 37 N.J.R. 47(b).

7:3-2.2 Distribution of forestation stock to New Jersey landowners

(a) Any New Jersey landowner or his or her authorized representative may obtain forestation stock from the Department, provided that the landowner or the landowner’s representative complies with the requirements of this subchapter.

(b) The landowner or his or her authorized representative who orders forestation stock shall complete an order form obtained from the Department and submit the form to:

New Jersey Forest Tree Nursery
370 East Veteran’s Highway
Jackson, New Jersey 08527
ATTN: Forestation Stock Order

(c) The landowner or his or her authorized representative shall certify on the order form that:

1. The forestation stock shall be planted in the State of New Jersey on the landowner’s property;
2. The forestation stock shall be used only for one or more of the purposes set forth at N.J.A.C. 7:3-2.4; and
3. The forestation stock shall not be resold or removed from the property, whether as live trees or severed from the stump, for:
 - i. Ornamental use; or
 - ii. Use as Christmas trees or holiday decorations.