

7:50-6.45 Time limit on forestry permits and approvals

Permits and approvals authorizing forestry operations shall be valid for a period of 10 years or, where applicable, for the remaining duration of any forestry plan approved for woodland assessment or for enrollment in the New Jersey Forest Stewardship Program. Nothing in this section shall be construed to prohibit any person from securing additional permits or approvals provided that the requirements of this Plan are met.

Recodified from 7:50-6.43 and amended by R.1996 d.225, effective May 20, 1996.

See: 27 N.J.R. 3878(a), 28 N.J.R. 2596(a).

Former section, "Forestry standards", recodified as 7:50-6.45.

Recodified from N.J.A.C. 7:50-6.44 by R.2010 d.029, effective March 1, 2010.

See: 41 N.J.R. 2402(a), 42 N.J.R. 629(a).

Former N.J.A.C. 7:50-6.45, Forestry standards, recodified to N.J.A.C. 7:50-6.46.

7:50-6.46 Forestry standards

(a) Notwithstanding the other standards of this subchapter, forestry operations shall be approved only if the applicant can demonstrate that the standards set forth in this Part are met.

1. All forestry activities shall serve to maintain Pinelands native forest types, including those which are locally characteristic, except in those stands where other forest types exist;

2. Any newly developed access to lands proposed for harvesting shall avoid wetland areas except as absolutely necessary to harvest wetlands species or to otherwise gain access to a harvesting site.

3. The following actions shall be required to encourage the reforestation of Atlantic White Cedar in cedar and hardwood swamps:

- i. Clearcutting cedar and managing slash;
- ii. Controlling competition by other plant species;
- iii. Utilizing fencing and other retardants, where necessary, to protect cedar from overbrowsing;
- iv. Utilizing existing streams as cutting boundaries, where practical;
- v. Harvesting during dry periods or when the ground is frozen; and
- vi. Utilizing the least intrusive harvesting techniques, including the use of winches, corduroy roads and helicopters, where practical.

4. All forestry activities and practices shall be designed and carried out so as to comply with the standards set forth in N.J.A.C. 7:50-6.27 and 6.33. The species accounts provided in the "Recommended Forestry Management Practices Report," Appendix I - Endangered Animals, dated March 2006, as amended and supplemented and available at the principal office of the Commission or at www.nj.gov/pinelands,

www.nj.gov/pinelands, may be utilized as a guide for meeting these standards.

5. All forestry activities and practices shall be designed and carried out so as to comply with the standards set forth in N.J.A.C. 7:50-6.79, except as expressly authorized in this Part.

6. All forestry activities and practices shall be designed and carried out so as to comply with the standards set forth in N.J.A.C. 7:50-6.151 through 6.158.

7. A vegetated streamside management zone shall be maintained or established adjacent to streams, ponds, lakes and marshes, except that no streamside management zone shall be required when Atlantic White Cedar is proposed to be harvested, established, restored or regenerated. The streamside management zone shall be at least 25 feet in width. Where soils are severely erodible, slopes exceed 10 percent or streamside vegetation is not vigorous, the streamside management zone shall be increased up to a maximum of 70 feet to buffer the water body from adjacent forestry activities.

8. Stream crossings, access roads, timber harvesting, skid trails, log decks, portable sawmill sites, site preparation, and reforestation shall be designed and carried out so as to:

- i. Minimize changes to surface and ground water hydrology;
- ii. Minimize changes to temperature and other existing surface water quality and conditions;
- iii. Prevent unnecessary soil erosion, siltation and sedimentation; and
- iv. Minimize unnecessary disturbances to aquatic and forest habitats.

9. The following standards shall apply to silvicultural practices for site preparation, either before or after harvesting:

- i. In areas with slopes of greater than 10 percent, an undisturbed buffer strip of at least 25 feet in width shall be maintained along roads during site preparation to catch soil particles;
- ii. Herbicide treatments shall be permitted, provided that:

(1) The proposed treatment is identified in the forestry application submitted to the Commission pursuant to N.J.A.C. 7:50-6.44(b)10;

(2) Control of competitive plant species is clearly necessary;

(3) Control of competitive plant species by other, non-chemical means is not practical;

(4) All chemicals shall be expressly labeled for forestry use and shall be used and mixed in a manner

that is consistent with relevant State and Federal requirements; and

(5) In Pine-Shrub Oak Native Forest Types, herbicide treatments shall only be permitted as a method to temporarily suppress shrub-oak understory in order to facilitate pine regeneration. All such herbicide treatments shall be applied in a targeted manner so that there will be no significant reduction in tree or shrub-oak re-sprouting outside those areas subject to the herbicide treatment;

iii. Broadcast scarification and mechanical weeding shall be permitted in all Pinelands Native Forest Types;

iv. Disking shall be permitted, provided that:

(1) It shall not be permitted in Pine Plains Native Forest Types;

(2) In Pine-Shrub Oak Native Forest Types, disking shall be permitted only in areas where pine regeneration is the management objective identified in the forestry application submitted pursuant to N.J.A.C. 7:50-6.44;

(3) It shall not occur in wetlands, except as may be necessary to establish, restore or regenerate Atlantic White Cedar. When so used, disking shall be limited to shrub-dominated parcels and recently abandoned agricultural lands; and

(4) It shall follow land contours when slopes are discernible;

v. Root raking shall be permitted, provided that:

(1) It shall not be permitted in Pine-Shrub Oak Native Forest Types or Pine Plains Native Forest Types;

(2) When used to establish, restore or regenerate Atlantic White Cedar, root raking shall be limited to shrub-dominated parcels and recently abandoned agricultural lands; and

(3) Root raking debris shall not be piled in wetlands;

vi. Bedding shall be permitted only in recently abandoned, cultivated wetlands where there are no established Pinelands Native Forest Types; and

vii. Drum chopping shall be permitted, provided that:

(1) It shall not be permitted in Pine Plains Native Forest Types except to create road shoulder fuel-breaks, which shall be limited to 25 feet in width, or to create scattered early successional habitats under two acres in size;

(2) It shall not be permitted in wetlands, except as may be necessary to establish, restore or regenerate Atlantic White Cedar. When so used, drum chopping

shall be limited to shrub-dominated parcels and recently abandoned agricultural lands; and

(3) It shall adhere to the following procedures:

(A) No more than two passes shall be permitted except to create scattered early successional habitats under two acres in size;

(B) Drums shall remain unfilled when used during the dormant season;

(C) Chop up and down the slope on a parcel so the depressions made by the cleats and chopper blades run parallel to the contour of the land to help reduce the occurrence of channeled surface erosion;

(D) Chop so the depressions made by the cleats and chopper blades run parallel to a wetland or water body; and

(E) Avoid short-radius, 180-degree turns at the end of each straight pass.

10. The following standards shall apply to silvicultural practices for harvesting:

i. Clearcutting shall be permitted, provided that:

(1) It shall not be permitted in Pine Plains Native Forest Types;

(2) It shall be limited to 300 acres or five percent of a parcel, whichever is greater, during any permit period;

(3) A 50-foot-wide buffer strip, in which only periodic pruning and thinning may occur, shall be maintained between any clearcut and the parcel boundaries;

(4) A buffer strip, in which only periodic pruning and thinning may occur, shall also be maintained to separate each 25-acre or larger clearcut from other 25-acre or larger clearcuts, coppice cuts and seed tree cuts that occur within a 15-year period. The buffer strip separating two 25-acre harvests shall be 50 feet in width and, for a larger harvest, shall increase in width by one foot for each acre of that harvest above 25, to a maximum of 300 feet in width;

(5) Where present on a parcel, a minimum of 18 dead snags per acre of at least 10 inches diameter breast height (DBH) and six feet in height shall be left on the parcel for a minimum of five years; and

(6) The area of the parcel subject to the clearcut shall have contoured edges unless the boundary of the clearcut serves as a firebreak in which case straight edges may be used;

ii. Coppicing shall be permitted in all Pinelands Native Forest Types, provided that:

(1) It shall be limited to 500 acres in size or 10 percent of a parcel, whichever is greater, during any permit period;

(2) A 50-foot-wide buffer strip, in which only periodic pruning and thinning may occur, shall be maintained between any coppice cut and the parcel boundaries;

(3) A buffer strip, in which only periodic pruning and thinning may occur, shall also be maintained to separate each 25 acre or larger coppice cut from other 25-acre or larger clearcuts, coppice cuts and seed tree cuts that occur within a 15-year period. The buffer strip separating two 25-acre harvests shall be 50 feet in width and, for a larger harvest, shall increase in width by one foot for each acre of that harvest above 25, to a maximum of 300 feet in width;

(4) Where present on a parcel, a minimum of 18 dead snags per acre of at least 10 inches DBH and six feet in height shall be left on the parcel for a minimum of five years; and

(5) The area of the parcel subject to the coppice cut shall have contoured edges unless the boundary of the coppice cut serves as a firebreak in which case straight edges may be used;

iii. Seed tree cutting shall be permitted in all Pinelands Native Forest Types, provided that:

(1) It shall be limited to 500 acres in size or 10 percent of a parcel, whichever is greater, during any permit period;

(2) A 50-foot-wide buffer strip, in which only periodic pruning and thinning may occur, shall be maintained between any seed tree cut and the parcel boundaries;

(3) A buffer strip, in which only periodic pruning and thinning may occur, shall also be maintained to separate each 25-acre or larger seed tree cut from other 25-acre or larger clearcuts, coppice cuts and seed tree cuts that occur within a 15-year period. The buffer strip separating two 25-acre harvests shall be 50 feet in width and, for a larger harvest, shall increase in width by one foot for each acre of that harvest above 25, to a maximum of 300 feet in width;

(4) Where present on a parcel, a minimum of 18 dead snags per acre of at least 10 inches DBH and six feet in height shall be left on the parcel for a minimum of five years;

(5) The area of the parcel subject to the seed tree cut shall have contoured edges unless the boundary of the seed tree cut serves as a firebreak in which case straight edges may be used;

(6) Dominant residual seed trees shall be retained at a distribution of at least seven trees per acre; and

(7) Residual seed trees shall be distributed evenly throughout the parcel; and

iv. Shelterwood cutting, group selection and individual selection shall be permitted in all Pinelands Native Forest Types.

11. The following standards shall apply to silvicultural practices for forest regeneration:

i. Natural regeneration shall be permitted in all Pinelands Native Forest Types and shall be required in the Pine Plains Native Forest Type, except as provided in (a)11ii below; and

ii. Artificial regeneration shall be permitted in all Pinelands Native Forest Types provided that:

(1) The use of non-native cuttings, seedlings or seeds shall not be permitted;

(2) The use of hybrid cuttings, seedlings or seeds shall be permitted if it can be demonstrated that the cutting is from a locally native, naturally occurring hybrid which will be planted within its natural range and habitat;

(3) Cuttings, seedlings or seeds shall be collected and utilized so as to ensure genetic diversity; and

(4) When used in Pine Plains Native Forest Types, artificial regeneration shall only be permitted to restore drastically disturbed sites if seeds or seedlings from the immediate vicinity have been collected from local, genetically similar sources.

12. Following site preparation and harvesting activities, slash shall either be retained in piles on the parcel, distributed throughout the parcel, removed from the parcel or burned.

13. Thinning shall be permitted in all Pinelands Native Forest Types, including that which serves to maintain an understory of native plants and/or manage stand composition, density, growth and spatial heterogeneity.

14. A copy of the approved municipal forestry permit shall be conspicuously posted on the parcel which is the site of the forestry activity.

(b) The New Jersey Forestry and Wetlands Best Management Practices Manual developed by the New Jersey Department of Environmental Protection, dated October 1995, as amended, may be used as a guide in determining the extent to which the proposed forestry activity meets the standards of (a) above.

Recodified from 7:50-6.44 and amended by R.1996 d.225, effective May 20, 1996.

See: 27 N.J.R. 3878(a), 28 N.J.R. 2596(a).

Rewrote section.

Recodified from N.J.A.C. 7:50-6.45 and amended by R.2010 d.029, effective March 1, 2010.

See: 41 N.J.R. 2402(a), 42 N.J.R. 629(a).

Rewrote (a); and in (b), deleted "9 and 10" following "(a)". Former N.J.A.C. 7:50-6.46, Additional standards for State forestry practices, recodified to N.J.A.C. 7:50-6.47.

7:50-6.47 Additional standards for State forestry practices

(a) In addition to the standards in N.J.A.C. 7:50-6.46, forestry activities undertaken by or on behalf of any State agency shall meet the following additional standards:

1. Individual forestry practices on State conservation lands shall seek to maintain biological diversity and landscape integrity characteristics of the Pinelands by:

i. Conserving existing Atlantic white cedar stands unless there is demonstrable evidence of destruction by fire, flooding or other natural disaster or where succession to a hardwood or other swamp is irreversible and impending; and

ii. Conserving exemplary forest stands, with emphasis on older and more mature stands, of the following types:

- (1) Mixed hardwood swamp;
- (2) Chestnut oak;
- (3) Black oak;
- (4) Scarlet oak;
- (5) White oak;
- (6) Pitch pine;
- (7) Shortleaf pine;
- (8) Virginia pine; and
- (9) Southern red oak.

(b) The standards of N.J.A.C. 7:50-6.46 and the requirements of (a)1 above may be modified through the Commission's approval of management plans for State conservation lands pursuant to N.J.A.C. 7:50-4.51 through 4.58, provided that such modifications are necessary to: facilitate specific research efforts designed to regenerate Atlantic White Cedar; create habitat patches for threatened and endangered plant and animal species; or evaluate the ecological impacts of silvicultural techniques. Short-term and long-term monitoring that documents the outcomes of such Atlantic White Cedar regeneration research, habit patch creation or silvicultural techniques evaluation shall be performed and reported to the Commission. The protocols provided in the "Recommended Forestry Management Practices Report," Appendix III – Research and Monitoring, dated March 2006, as amended and supplemented and available at the principal office of the Commission or at www.nj.gov/pinelands, may be used as a guide in the development of research and monitoring techniques.

New Rule, R.1996 d.225, effective May 20, 1996.

See: 27 N.J.R. 3878(a), 28 N.J.R. 2596(a).

Recodified from N.J.A.C. 7:50-6.46 and amended by R.2010 d.029, effective March 1, 2010.

See: 41 N.J.R. 2402(a), 42 N.J.R. 629(a).

In the introductory paragraph of (a), updated the N.J.A.C. reference; deleted former (b); recodified former (c) as new (b); and rewrote (b). Former N.J.A.C. 7:50-6.47, Guidelines and requirements for financial sureties, recodified to N.J.A.C. 7:50-6.48.

7:50-6.48 Guidelines and requirements for financial sureties

(a) Municipalities may require the posting of financial sureties for harvesting activities, provided that:

1. The surety shall be for the sole purpose of ensuring proper performance during the harvesting operation and shall not be intended to serve as a long-term maintenance guarantee;

2. The surety shall not exceed \$500.00 or 10 percent of the stumpage value of the wood to be harvested during the duration of any approval which is granted, whichever is greater; and

3. The surety shall not be required to be posted for a period exceeding two years. Nothing in this section shall be construed to prohibit a municipality from requiring the posting of sureties for succeeding two year periods, provided the requirements of this section are met.

New Rule, R.1996 d.225, effective May 20, 1996.

See: 27 N.J.R. 3878(a), 28 N.J.R. 2596(a).

Recodified from N.J.A.C. 7:50-6.47 by R.2010 d.029, effective March 1, 2010.

See: 41 N.J.R. 2402(a), 42 N.J.R. 629(a).

Section was "(Reserved)".

7:50-6.49 through 7:50-6.50 (Reserved)

PART V—AGRICULTURE

7:50-6.51 Purpose

Agricultural activity is an important element of the Pinelands economy and plays a significant role in the conservation of the essential ecological character of the Pinelands. In particular, the dependency of berry agriculture on pristine water has contributed greatly to the ecological stability of the Pinelands. However, the long-term vitality of agricultural activity depends upon protection from competing land uses and continued use of agricultural practices that conserve the soil and water resources of the Pinelands.

7:50-6.52 Agricultural management program

In order to be certified under the provisions of N.J.A.C. 7:50-3, a municipal master plan and land use ordinance must contain a program to protect the integrity of agriculture in the Pinelands. It is not necessary that the municipal program incorporate the literal terms of this Part; rather, a municipality may adopt alternative and additional techniques which will