

CHAPTER 3

BUREAU OF FORESTRY

Authority

N.J.S.A. 13:1L-1 et seq. and 54:4-23.1 et seq., specifically 54:4-23.3.

Source and Effective Date

R.1998 d.356, effective June 19, 1998.
See: 30 N.J.R. 759(a), 30 N.J.R. 2659(a).

Executive Order No. 66(1978) Expiration Date

The expiration date of Chapter 3, Bureau of Forestry, was extended by gubernatorial directive from June 19, 2003 to June 19, 2004. See: 35 N.J.R. 2649(a).

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: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. REFORESTATION PROGRAM

7:3-1.1 Scope

Unless otherwise provided by rule or statute, the provisions of this Chapter shall constitute the rules governing the State reforestation program.

7:3-1.2 Construction

These rules shall be liberally construed to permit the Department, the Bureau of Forestry and its various agencies to discharge its statutory functions.

7:3-1.3 Practice where rules do not govern

(a) The Commissioner may rescind, amend or expand these rules from time to time, and such new rules shall be filed with the Secretary of State as provided by law.

(b) The Commissioner, the Director of the Division of Parks and Forestry or any agency chief shall exercise his discretion in respect of any other matters not governed by these rules.

7:3-1.4 Agreement

Every person ordering reforestation stock shall enter into an agreement to use the stock solely for reforestation purposes as described in N.J.A.C. 7:3-1.6(b). The agreement shall provide that reforestation stock must not be resold or removed from the property for ornamental use as living trees, or for use as Christmas trees, except trees severed from the stump in a thinning without reducing the initial acreage reforested. Any person violating this agreement will reimburse the Department for the cost of the seedlings removed and administrative costs incurred due to breach. The Department has the right to inspect the planting site after notifying the landowner as to time and date of the inspection.

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

7:3-1.5 Refusal

- (a) No reforestation stock shall be sold to any landowner:
1. Whose total acreage is less than three acres of land;

2. Who has violated provisions of an agreement signed pursuant to N.J.A.C. 7:3-1.4; or

3. For a purpose other than those described in N.J.A.C. 7:3-1.6.

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

7:3-1.6 Distribution

(a) Reforestation stock shall be distributed in the urban, suburban and agricultural areas only after a recipient signs an agreement conforming to N.J.A.C. 7:3-1.4 and attests, as part of the seedling order form, to the ownership of a minimum of three acres of land in New Jersey.

(b) The use of State grown reforestation stock shall be restricted to legitimate reforestation projects, including planting for school, and youth conservation education projects; plantings for aesthetic screening and improvement; air and noise pollution abatement; wildlife habitat enhancement; erosion control; and lumber and cordwood production.

(c) Every New Jersey student attending third grade is eligible to receive a free forest tree seedling from the State Tree Seedling Nursery if adequate supplies are available. The Department will furnish the seedlings to the students on receipt of consolidated requests from the students' respective schools.

As amended, R.1971 d.189, effective October 21, 1971.
See: 2 N.J.R. 83(b), 3 N.J.R. 221(c).
Amended by R.1998 d.356, effective July 20, 1998.
See: 30 N.J.R. 759(a), 30 N.J.R. 2659(a).

In (a), added "in New Jersey" at the end of the introductory sentence.

SUBCHAPTER 2. APPROVED FORESTERS LIST

7:3-2.1 Scope and authority

This subchapter constitutes the rules of the Department of Environmental Protection concerning the establishment of a list of foresters approved by the Department as necessary to implement P.L. 1986, c.201, amending and supplementing the Farmland Assessment Act of 1964, N.J.S.A. 54:4-23.1 et seq. (the Act), and authorized by the State Park and Forestry Resources Act, N.J.S.A. 13:1L-1 et seq.

7:3-2.2 Purpose

The purpose of this subchapter is to provide the criteria for the establishment and maintenance of a list of foresters approved by the Department. The Act imposes certain requirements on those owners of land devoted exclusively to the production for sale of trees and forest products other than Christmas trees, and which is not appurtenant woodland, who desire to qualify for reduced property taxation. The landowner must establish and comply "with the provisions of a woodland management plan for this land prepared in accordance with policies, guidelines and practices approved by the Division of Parks and Forestry in the Department of Environmental Protection, in consultation with the Department of Agriculture and the Dean of Cook College at Rutgers, The State University, which policies, guidelines and practices are designed to eliminate excessive and unnecessary cutting." N.J.S.A. 54:4-23.3. In addition, both the landowner and a forester from the list of foresters approved by the Department in accordance with this subchapter shall annually attest to compliance with the woodland management plan.

7:3-2.3 Construction

This subchapter shall be liberally construed to allow the Department to implement fully its statutory functions pursuant to the Act and the State Park and Forestry Resources Act.

7:3-2.4 Severability

If any section, subsection, provision, clause, or portion of this subchapter, 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 subchapter or the application thereof to other persons.

7:3-2.5 Definitions

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

"Act" means the Farmland Assessment Act of 1964, N.J.S.A. 54:4-23.1 et seq.