

CHAPTER 3: FORESTRY
(N.J.A.C. 7:3)

Statutory 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; 52:14B-1 et seq., and 54:4-23.1 et seq.

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CHAPTER 3 FORESTRY

SUBCHAPTER 1. GENERAL PROVISIONS

7:3-1.1 Construction

(a) The provisions of this chapter shall be liberally construed to permit the Department to discharge its statutory functions.

(b) The provisions of this chapter are not intended to, and do not, relieve any person of the duty to comply with all applicable State or Federal statutes, rules, and regulations, or the terms of any easement or other legal obligation.

7:3-1.2 Severability

If any section, subsection, provision, clause, or portion of this chapter, or the application thereof to any person or circumstance, 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 or circumstances.

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.

"Age" means, with respect to a stand:

1. If the stand is even aged, the mean age of the trees calculated from the year of the stand's establishment; and
2. If the stand is uneven aged, the mean age of the dominant or, if applicable, co-dominant tree species in the stand.

"Age class" means an interval into which the age range of trees is divided for classification or utilization.

"Age-class distribution" means, with respect to a stand, the location or proportionate representation, or both, of different age classes in the stand.

"Agroforestry" means a system of land management that involves deliberate mixture of trees or other woody perennials with crop and animal production to take advantage of economic or ecological interactions among the components.

"Approved Forester" means an individual whose name is on the List of Approved Foresters.

"Basal area" means the cross-sectional area of:

1. With respect to a single tree, its stem, including the bark, measured at breast height (4.5 feet above the ground), typically expressed in square feet or square meters; and
2. With respect to a stand, or all trees of one or more specified species within the stand, all the trees, measured at breast height (4.5 feet above the ground), typically expressed

in square feet or square meters per acre or per other unit of land area.

"Biomass" means, with respect to a stand at a given time, the vegetative matter in the stand and is typically expressed in units of volume of wet or dry weight per acre. Depending on the context in which it is used, this term may apply to all vegetative matter in the stand collectively or to a component of the stand, such as a given species of trees or a harvestable forest product.

"Canopy cover" means the proportion of the forest floor covered by a vertical projection of the tree crowns, and is expressed as a percent of an area of forest land.

"Commissioner" means the Commissioner of the Department.

"Contiguous" shall have the same meaning as defined for this term in the Department of the Treasury's Farmland Assessment Act rules at N.J.A.C. 18:15, except that no easement that crosses a property and that is held by a public utility or other public entity shall be deemed to disrupt the property's contiguity.

"Critical habitat" shall, with respect to a Federally listed threatened or endangered species, have the same meaning as defined for this term in Section 3 of the Endangered Species Act of 1973, 16 U.S.C. 1532.

"Crown" means the part of a tree or woody plant bearing live branches and foliage.

"Crown class" means a category of tree based on its crown position relative to those of adjacent trees. Examples of such classes include dominant, co-dominant, intermediate, and overtopped.

"Department" means the Department of Environmental Protection.

"Destruction or adverse modification" shall, with respect to a Federally listed threatened or endangered species, have the same meaning as defined for this term in the USFWS's Endangered Species Committee regulations at 50 CFR 402.02.

"Diameter at breast height" or "DBH" means the diameter of the stem of a tree measured at breast height (4.5 feet above the ground).

"Diameter class" or "DBH class" means any of the intervals into which a range of diameters of tree stems or logs may be divided for classification and utilization.

"Ecosystem service" means a service rendered by an ecosystem that benefits people. It is specifically a service that is useful to man, as follows:

1. A provisioning service, such as clean air, fresh water, energy, fuel, forage, or fiber;
2. A regulating service, such as long-term storage of carbon; climate regulation; water filtration, purification, or storage; soil stabilization; flood control; or disease regulation;
3. A supporting service, such as pollination, seed dispersal, soil formation, or nutrient cycling; or
4. A cultural service, such as an educational, aesthetic, spiritual, or cultural heritage value, recreational experience, or tourism opportunity.

"Farmland assessment" means valuation, assessment, and taxation of land under the

Farmland Assessment Act.

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

"Federal guidelines plan" means a plan that was approved by the Department prior to December 18, 2017, as satisfying the requirements for forest stewardship plans in the National Forest Stewardship Guidelines.

"Federally listed threatened or endangered species" means a species listed with a status of "endangered" or "threatened" on the List of Endangered and Threatened species promulgated by the USFWS or other Federal agency pursuant to the Endangered Species Act of 1973, 16 U.S.C. §§ 1531 et seq.

"Flood hazard area" shall have the same meaning as defined for this term in the Flood Hazard Area Control Act rules at N.J.A.C. 7:13-1.2.

"Forest health" means the perceived condition of a forest or a stand derived from concerns about such factors as its age, structure, species composition, function, vigor, presence of unusual levels of insects or disease, and resilience to disturbance.

"Forest inventory" means, with respect to a stand, a characterization of the stand based on data collected from a systematic survey of the stand that:

1. Is designed to provide information about the condition of the stand for use in planning for the management of the stand;
2. Is conducted in accordance with accepted forestry sampling methods; and
3. May be used to show the rate of change of forest parameters and the dynamics of the stand through comparison with data collected in one or more prior inventories, if available.

"Forest management" means the practical application of biological, physical, quantitative, managerial, economic, social, and policy principles to the regeneration, management, utilization, and conservation of forest land or of a stand to meet specified goals and objectives while maintaining its sustainability.

"Forest productivity" means, with respect to an objective in a forest stewardship plan, the rate of progress toward the desired future condition or outcome. This rate could be a positive or negative value. As an example, if the objective is:

1. To produce woody biomass, this term could be expressed as the net average annual change in the amount of woody biomass, given in cubic feet, board feet, cords, or weight of biomass per acre; or
2. To manage the forest ecosystem so as to enhance a population of a State-listed endangered plant species, such as the Pine Barren Gentian (*Gentiana autumnalis*), this term could be expressed as the net average annual change in the number of individual plants in the population or in the extent of the population, given in units of area such as square feet.

"Forest stewardship plan" means a plan that is prepared and implemented by an owner of forest land and is approved by the Department as conforming to the requirements of N.J.A.C. 7:3-5.

"Forest type" means a category of forest defined by its vegetation, particularly its dominant vegetation as based on percentage cover of trees. Examples of such a category include pine, oak/pine, pine/oak, oak/hickory, oak, maple/beech/birch, maple/gum, pitch pine, and Atlantic white-cedar.

"Full stocking" means, with respect to a stand, a stocking level within the range that, for a management objective of producing trees for harvesting, represents optimal occupancy to maximize the growth potential of the stand.

"Goal" means a broad, general statement, usually not quantifiable, that expresses a desired end state to be achieved.

"Ground cover" means the herbaceous plants, including, but not limited to, grasses and ferns, and the lowest shrubs occupying an area.

"Harvesting" means the cutting, gathering, and removal of trees or other forest product from a forest or stand in preparation for its processing, transport, sale, and/or utilization.

"Highlands Region" shall have the same meaning as defined for this term in the Highlands Water Protection and Planning Act rules at N.J.A.C. 7:38-1.4.

"Individual" means a single human being.

"Invasive species" means a non-native species that has been introduced into a habitat and geographical area outside of its natural geographical range and that has the ability to reproduce prolifically and spread with little or no natural control, thereby displacing native biological diversity and threatening the integrity of natural ecosystems.

"Landlocked" means, with respect to the subject property:

1. Title to each of the properties surrounding the subject property is in the name of an owner other than the owner of the subject property; and
2. The owner of the subject property does not hold a right of way or other easement granting legal access to the subject property from a public roadway.

"List of Approved Foresters" means the list, established and maintained by the Department in accordance with N.J.A.C. 7:3-3.

"Litter" means the surface layer of the forest floor that is not in an advanced stage of decomposition, usually consisting of freshly fallen leaves, needles, twigs, stems, bark, and fruits.

"Local government unit" means a municipality, county, or other political subdivision of the State, or any agency, board, commission, public utility authority or other authority, or other entity thereof.

"Lot" shall have the same meaning as defined for this term in the Municipal Land Use Law at N.J.S.A. 40:55D-4.

"Monitor" or "monitoring" means, with respect to a forest stewardship plan, collection of information over time, generally on a sample basis by measuring change in the value of one or more parameters, to determine the extent to which the implementation of the plan is resulting in progress toward one or more of the plan's objectives.

"National Forest Stewardship Guidelines" means the guidance document entitled, "Forest Stewardship Program National Standards and Guidelines," issued by Cooperative Forestry, State

& Private Forestry, USDA Forest Service, revised October 2015, as supplemented, amended, or periodically revised. The USDA Forest Service has supplemented this document through its issuance of the "Forest Stewardship Management Plan Resource Elements" (July 2013). Both of these documents are available at <http://www.fs.fed.us/cooperativeforestry/programs/loa/fsp.shtml>.

"National Register of Historic Places" shall have the same meaning as defined for this term in the New Jersey Register of Historic Places rules at N.J.A.C. 7:4-1.3, Definitions.

"Native" means, with reference to a species of plant, animal, or other living organism, occurring naturally within a region, either evolving there or arriving and becoming established without human assistance.

"Natural Heritage Database" means the manual and computerized file maintained by the Department that includes continuously updated information on the location and status of rare species and ecological communities in New Jersey.

"New Jersey Register of Historic Places" shall have the same meaning as defined for this term in the New Jersey Register of Historic Places rules at N.J.A.C. 7:4-1.3, Definitions.

"Nonprofit" means an organization or corporation that has applied for and received a determination letter from the U.S. Department of the Treasury granting exemption from Federal income tax under Section 501(c)(3) of the Federal Internal Revenue Code.

"Objective" means a concise, time-specific statement of a measurable planned result that corresponds to one or more pre-established goals in achieving a desired future condition or outcome. In a woodland management plan or a forest stewardship plan, such a statement forms the basis for further planning to define the prescriptions and practices to be undertaken and the resources to be used.

"Overstory" means, with respect to a stand with forest of more than one story, that portion of the trees forming the upper or uppermost canopy layer.

"Owner" means the person or persons who own a property.

"Person" means any individual, government unit, nonprofit, corporation, partnership, organization, association, or other entity.

"Pinelands Area" shall have the same meaning as defined for this term in the Pinelands Comprehensive Management Plan at N.J.A.C. 7:50-2.11.

"Practice" or "management practice" means a specific activity, measure, course of action, or treatment carried out under a plan and directed to progressing toward one or more objectives set in the plan. For a woodland management plan or a forest stewardship plan, examples include, but are not limited to, site preparation, planting, pruning, or thinning.

"Prescription" means a planned series of management practices.

"Privately held" means, with respect to a property, owned by a person who is not a Federal or State entity or a local government unit.

"Property" means lands comprised of all contiguous lots that are owned by the same owner; or, if the same owner owns no other contiguous lot, a single lot.

"Public utility" shall have the same meaning as defined for this term in the Department of Public Utilities Act of 1948 at N.J.S.A. 48:2-13.a.

"Regeneration" means, with respect to a stand, the process of renewal of the stand and is indicated by seedlings or saplings present, whether established naturally or artificially.

"Riparian zone" shall have the same meaning as defined for this term in the Flood Hazard Area Control Act rules at N.J.A.C. 7:13- 1.2.

"Site index" means a value indicating the capability for trees of a specific species (usually the dominant or co-dominant species) to grow at a given site. Site index is expressed in terms of the average height, in feet, to which trees of that species are expected to grow in 50 years, and is used as an indicator of the potential capacity or ability of the site to produce woody biomass.

"Site preparation" means hand or mechanized manipulation of a site, designed to enhance the success of regeneration, and may include bedding, burning, chemical spraying, chopping, disking, drainage, raking, and scarifying in order to modify the soil, litter, or vegetation and to create microclimate conditions conducive to the establishment and growth of desired species.

"Size class" means, with respect to trees within a forest or stand, a classification of the trees based on their size. Examples include seedling, sapling, pole, and sawtimber.

"Society of American Foresters Code of Ethics" means the Code of Ethics adopted by the Society of American Foresters, November 3, 2000, or successor code, as supplemented or amended. This code may be downloaded from the Society's website, www.safnet.org/about/codeofethics.cfm, or requested from the Society at the following address:

Society of American Foresters
5400 Grosvenor Lane
Bethesda, Maryland 20814

"Species composition" means, with respect to a stand or other area of land, the species that constitute the plant community within that stand or area. When used with respect to silviculture, this term means the proportion of each tree species expressed as a percentage of the total number, basal area, or volume of all tree species in the stand or area.

"Species of special concern" means:

1. A taxon listed by the Department as a species of concern pursuant to the Endangered Plant Species Program rules at N.J.A.C. 7:5C-3.1; or
2. A species listed in the Wildlife Action Plan, issued by the Department pursuant to the USFWS's Wildlife Conservation and Restoration Program, as a species of greatest conservation need.

"Stand" means, with respect to a forest stewardship plan, an area of land that is:

1. Continuous in its range or extent; and
2. Designated as a distinguishable unit for the purpose of forest management, based on a judgment that its trees are sufficiently uniform in age-class distribution, species composition, and/or structure and that the land is of sufficiently uniform quality.

"Stand table" means:

1. A table that, for a stand, lists the number of trees by species and diameter classes, per acre or other unit of area; or
2. A chart presenting the data in paragraph 1 above in the form of a frequency

distribution.

"State entity" means a department, agency, or office of State government, including a State university or college, or an authority created by the State of New Jersey.

"State Forester" means the chief forester employed by the Department, or his or her designee.

"State-listed threatened or endangered species" means one of the following:

1. An animal species listed and assigned a status of threatened pursuant to the Endangered, Nongame, and Exotic Wildlife rules at N.J.A.C. 7:25-4.17;

2. An animal species or subspecies of wildlife listed as an endangered species pursuant to the Endangered and Nongame Species Conservation Act, N.J.S.A. 23:2A-13 et seq.; or

3. A plant taxon listed as an endangered species pursuant to the Endangered Plant Species List Act, N.J.S.A. 13:1B-15.151 et seq.

"Stewardship goal" means, with respect to forest land, a goal intended to enable the land and its natural resources to be passed on to future generations in a healthy condition. This term shall include the goal of ensuring the sustainability of the forest land.

"Stock table" means a table that lists the proportions of total volume of wood content of the trees within a stand by diameter classes, and is generally expressed as units per acre or other unit of area, where the units are, for example, cubic foot volume, board foot volume, cords, or tons.

"Stocking level" means the growing-space occupancy of land by trees within a stand or within another specified area of land. This term is expressed quantitatively as an indication of density and can be given in absolute terms, such as number of trees, basal area or volume per unit of area, or relative to some standard condition, such as a percentage of full stocking.

"Structure" means, with respect to a stand, the horizontal and vertical distribution of the woody and herbaceous components of the stand including:

1. For the trees, the height, crown layers, stem diameter classes, and number of stems per acre;

2. Whether snags and/or downed woody debris are present, and if so their amount; and

3. The species composition and density of the shrubs and herbaceous understory.

"Sustainability" means, with respect to forest land, having the ability to:

1. Maintain its ecological processes, biodiversity, resource productivity, regeneration capacity, and vitality;

2. Promote forest health, preclude the spread of invasive non-native species, maintain forest integrity and contiguity, conserve New Jersey's native biodiversity, and protect Federally listed and State-listed threatened or endangered species and species of special concern, and the habitat that sustains them; and

3. Realize the potential to fulfill now and for future generations, relevant

ecological, environmental, economic, and social functions, including, but not limited to, protection and improvement of air quality and of water supply and water quality, stabilization of soils, prevention and suppression of uncontrolled wildfires, service of markets for forest products, provision of recreational opportunities, and improvement of quality of life.

"Sustainable manner" means employing management practices for the use and care of forest land that promote sustainability of the forest land and do not cause damage to other components of the ecosystem, and avoiding acts and omissions that undermine sustainability.

"Transition area" shall have the same meaning as defined for this term in the Freshwater Wetlands Protection Act rules at N.J.A.C. 7:7A-1.4.

"Tree" means a woody perennial plant, typically large and with a well-defined stem or stems carrying a more or less definite crown, attaining at maturity a minimum diameter at breast height of five inches and a minimum height of 15 feet.

"Understory" means, with respect to a stand, all forest vegetation growing under an overstory, including the ground cover.

"USDA" means the United States Department of Agriculture.

"USFWS" means the United States Department of the Interior's Fish and Wildlife Service.

"Volume" means:

1. With respect to a single tree, an estimate of the wood content of the tree, generally expressed in cords or board feet; and
2. With respect to all the trees in a forest or stand, or all trees of one or more specified species within a forest or stand, the wood content of the trees, generally expressed in tons, cords, or board feet.

"Woodland data form" shall have the same meaning as defined for this term in the Department of the Treasury's Farmland Assessment Act rules at N.J.A.C. 18:15.

"Woodland management plan" means a plan prepared in accordance with the criteria set forth in the Department of the Treasury's Farmland Assessment Act rules at N.J.A.C. 18:15-2.10.

7:3-1.4 Submissions and communications

(a) Subject to (b) below, and except as provided at N.J.A.C. 7:3- 5.9(b)2, paper submissions and other paper communications may be conveyed to the New Jersey Forest Service at the following address:

New Jersey Forest Service
Department of Environmental Protection Mail Code 501-04
501 East State Street PO Box 420
Trenton, New Jersey 08625-0420

(b) The Department shall inform the public, by notice in the New Jersey Register, that the Department has established a portal or other mechanism for electronic submittal of one or more documents pursuant to this subchapter. Notwithstanding (a) above, and except as set forth in (c) below, the Department will not accept paper submissions of the document identified in the

notice on and after a date specified in the notice; rather, all such submittals shall be electronic through the method the Department establishes. The period between the date of publication of the notice and the date specified on and after which a document must be submitted electronically shall not exceed:

1. For a Forest Stewardship Plan or plan conversion, one year;
2. For a Forest Stewardship Plan amendment or a semi-annual report required pursuant to N.J.A.C. 7:3-3.6, six months; and
3. For any other type of document, three months.

(c) A person submitting a document electronically shall, upon the request of the Department, also provide a paper copy of all or a portion of the document, if:

1. The submission is insufficiently legible in electronic format;
2. A paper copy is needed for review or field use, such as for collaboration with assessors or other governmental officials, on-site inspections, or documentation of annotations;
3. Only an original document provided on paper can satisfy the requirement, such as the requirement at N.J.A.C. 7:3-3.2(b)2 to provide certified copies of transcripts with an application for inclusion on the List of Approved Foresters; or
4. The electronic portal is not functioning.

7:3-1.5 through 7:3-1.6 (Reserved)

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.

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.

(d) Except as specified in (c)3 above, a landowner who obtains forestation stock under this subchapter may remove and/or resell forestation stock for use as merchantable forest products.

7:3-2.3 Compliance

(a) The Department may inspect any planting site to ensure compliance with this subchapter, after notifying the landowner as to date and time of the inspection.

(b) If the Department determines that a landowner has used forestation stock in a manner that does not conform with this subchapter, the landowner shall reimburse the Department for:

1. The market value, at the time of sale, of any forestation stock obtained from the Department that is improperly used; and

2. The administrative costs incurred by the Department consequent to the compliance inspection.

(c) The Department shall not provide forestation stock to any person who has violated the provisions of this subchapter, unless the Department has been fully compensated in accordance with (b) above.

7:3-2.4 Permitted Uses of Forestation Stock

(a) Except as provided in N.J.A.C. 7:3-2.2(c)3, forestation stock may be used for any forestation purpose, including but not limited to:

1. The forestation of land;

2. Increasing the density of tree cover;

3. Production of lumber, cordwood, or pulpwood;

4. Production of renewable energy resources;

5. The displacement of invasive species or the introduction of native species;

6. Forest stewardship, conservation, and protection of forest health;

7. Conservation and environmental education programs; and

8. Securing any of the benefits associated with the growing of trees, including,

but not limited to:

i. Watershed protection and aquifer recharge;

- ii. Plantings for aesthetic screening or other aesthetic improvement;
- iii. Air and noise pollution abatement;
- iv. Provision of wildlife habitat;
- v. Erosion control;
- vi. Carbon sequestration;
- vii. Energy conservation; and
- viii. Provision of opportunities for passive recreation, such as hiking or bird watching.

(b) The Department will distribute a seed or seedling, free of charge, to every New Jersey student attending third grade if:

- 1. Adequate supplies are available; and
- 2. The student's school has submitted to the Department a consolidated request for the seed or seedlings.

7:3-2.5 through 7:3-2.9 (Reserved)

SUBCHAPTER 3. LIST OF APPROVED FORESTERS

7:3-3.1 Scope and purpose

(a) This subchapter constitutes the rules of the Department governing the establishment and maintenance of a list of foresters approved by the Department, which is necessary to implement the Farmland Assessment Act at N.J.S.A. 54:4-23.3.b.

(b) This subchapter sets forth the procedure and criteria for an individual to become an Approved Forester, the authority granted to, and the responsibilities required of, an Approved Forester, the grounds for which an individual may be removed from the list and the procedure for removal, and the conditions and procedures for reinstatement to the list.

7:3-3.2 Application procedure, qualifications, and approval criteria

(a) Any individual who meets the qualifications of (c) below may apply for inclusion on the List of Approved Foresters by submitting an application to the New Jersey Forest Service in accordance with N.J.A.C. 7:3-1.4.

(b) An application submitted pursuant to (a) above shall include:

- 1. A completed and signed application on a form obtained from the Department. The form is available electronically at www.forestry.nj.gov and a paper copy may be requested from the New Jersey Forest Service at the address at N.J.A.C. 7:3-1.4(a). The information to be submitted on or with the application form includes the following:

- i. The name, address, telephone number and email address (if available) of the applicant;

- ii. A list of education and/or training completed demonstrating the applicant's fulfillment of the requirements at (c)1 below; and

iii. A history of experience demonstrating the applicant's fulfillment of the requirements at (c)2 below;

2. A certified copy of the applicant's transcript from each post-secondary school the applicant attended; and

3. Copies of two plans prepared by the applicant. A plan may be a woodland management plan prepared pursuant to N.J.A.C. 18:15- 2.10, a forest stewardship plan prepared pursuant to N.J.A.C. 7:3-5, or a Federal guidelines plan, or an equivalent plan prepared for a property in another state.

(c) The minimum qualifications an applicant shall demonstrate are the following:

1. Education that includes one of the following earned (not honorary) degrees:

i. A bachelor's degree from a college or university in a forest management or equivalent forestry program that is accredited by the Society of American Foresters;

ii. A bachelor's degree from Rutgers—the State University in the forest management option within the natural resource management curriculum awarded no later than 2007; or

iii. A graduate degree from a college or university in a program that the Department determines to be at least equivalent to the bachelor's degree programs referenced at (c)1i above; and

2. Two years' experience in forest management or equivalent employment, beginning not earlier than the time of registration for the degree program specified pursuant to (c)1 above, including:

i. Preparing woodland management plans, forest stewardship plans, Federal guidelines plans, and/or equivalent plans prepared for property in another state; and

ii. Carrying out management practices commonly included in such plans, such as thinning, planting, invasive species control, and/or the harvesting and marketing of forest products.

(d) Prior to approving an application, the Department shall require an applicant to demonstrate a basic knowledge of farmland assessment and how an owner can qualify a property's forest land for valuation, assessment, and taxation under farmland assessment.

(e) The Department shall notify the applicant in writing of the approval or denial of the application for inclusion on the List of Approved Foresters. If the Department approves the application, the name of the applicant shall be entered on the List of Approved Foresters. If the Department denies the application, the notification shall include the basis for the Department's denial and inform the applicant of the procedure to request an adjudicatory hearing on the denial in accordance with N.J.A.C. 7:3-3.9.

7:3-3.3 Professional services of an Approved Forester

(a) An Approved Forester is authorized to provide an owner the following professional services:

1. Preparing for, or in consultation with, the owner:
 - i. A forest stewardship plan, plan amendment, or plan conversion, in accordance with N.J.A.C. 7:3-5; or
 - ii. A woodland management plan or plan amendment in accordance with the Farmland Assessment Act rules at N.J.A.C. 18:15-2.10; and
2. Provided that the requirements of (b) below are satisfied, signing the certification of compliance with the approved plan on a woodland data form that accompanies an owner's annual application for farmland assessment, pursuant to the Farmland Assessment Act rules at N.J.A.C. 18:15-2.7.

(b) An Approved Forester shall certify a woodland data form if he or she has made the following determinations:

1. The owner has a Department-approved forest stewardship plan or woodland management plan that applies to the property and has not expired;
2. The woodland data form is the version prescribed for use in that calendar year by the Director of the Division of Taxation in New Jersey's Department of the Treasury, available at www.nj.gov/treasury/taxation/prntlpt.shtml;
3. The form is fully and properly completed and the information provided is true and accurate; and
4. The management of the property is in conformance with the plan.

7:3-3.4 Standards of conduct

(a) An Approved Forester shall abide by the Society of American Foresters Code of Ethics.

(b) An Approved Forester shall observe recognized professional practices and standards in the provision of professional services to owners. Examples may be found in the document entitled, "New Jersey Forestry and Wetlands Best Management Practices Manual," dated October 1995, which is available at www.state.nj.us/dep/parksandforests/forest/nj_bmp_manual1995.pdf, or subsequent edition; and in the "Forestry Handbook" published by the Society of American Foresters, Karl F. Wenger, ed., 2nd edition, 1984, or subsequent edition.

(c) An Approved Forester shall perform professional activities in accordance with applicable Federal and State statutes, rules, and regulations and advise owners to manage their lands and carry out forestry activities in accordance with all such statutes, rules, and regulations.

7:3-3.5 Continuing education

(a) An Approved Forester shall participate at least annually in a program of professional education that is:

1. Designed to enable the forester to maintain or develop new forestry skills, obtain updated information on forest management topics, and/or earn or retain certification relevant to offering professional services as an Approved Forester; and

2. Offered by the Society of American Foresters, Rutgers - The State University of New Jersey, the USDA Forest Service, or the New Jersey Forest Service, or in a comparable program offered by another provider and approved by the Department as appropriate for satisfying this requirement.

7:3-3.6 Semi-annual reports

(a) An Approved Forester shall submit a report semi-annually to the New Jersey Forest Service to document professional activities and the implementation of management practices during the preceding six-month reporting period (January 1 through June 30 or July 1 through December 31, as applicable).

(b) The Approved Forester shall:

1. Prepare the semi-annual report on a form available from the New Jersey Forest Service;
2. Sign and date the report; and
3. Submit the completed form by February 15th and September 15th each year, in accordance with N.J.A.C. 7:3-1.4.

(c) The Approved Forester shall provide the following in the semi-annual report:

1. The Approved Forester's contact information and credentials, and the services the Approved Forester offers, and information related to the Approved Forester's professional education and experience, which the Department will make available to the public in its online List of Approved Foresters;

2. Information pertaining to the properties for which the Approved Forester has, during the reporting period, served as the owner's forestry consultant in the preparation or implementation of a woodland management plan, forest stewardship plan, or other type of forestry plan, including the following:

i. The number of plans that the Approved Forester prepared and/or certified, and that the Department approved during the reporting period, and the total acreage of forest land covered by these plans;

ii. Management practices implemented during the reporting period pursuant to the plans, and the extent of their implementation; and

iii. Wood and other forest products harvested for sale during the reporting period, including the number of sites at which harvest occurred, the total acres harvested, the size class and quantity of each product harvested, and the combined market value; and

iv. Each program of professional education meeting the requirements for continuing education at N.J.A.C. 7:3-3.5 that the Approved Forester participated in during the reporting period.

(d) The Approved Forester shall additionally report in each semi-annual report such other information as the Department may request for its use in satisfying planning or reporting responsibilities under State law (such as pursuant to N.J.S.A. 13:1L-35) or as established by the

USDA Forest Service (such as pursuant to the USDA Forest Service's administration of the Cooperative Forestry Assistance Act of 1978, as amended, 16 U.S.C. § 2103A).

7:3-3.7 Removal from the List of Approved Foresters

(a) The Department shall remove the name of any **individual** from the **List of Approved Foresters** who:

1. Fails to timely submit to the New Jersey Forest Service a completed semi-annual report as required by N.J.A.C. 7:3-3.6;

2. Has provided false or fraudulent information to the Department, such as in:

i. His or her application for inclusion on the List of Approved Foresters; or

ii. A semi-annual report submitted pursuant to N.J.A.C. 7:3-3.6;

3. Fails to satisfy the requirement for participation in a professional education program pursuant to N.J.A.C. 7:3-3.5;

4. Fails to abide by the Society of American Foresters Code of Ethics as required at N.J.A.C. 7:3-3.4(a), observe recognized professional standards and practices as required at N.J.A.C. 7:3.4(b), or comply with N.J.A.C. 7:3-3.4(c); or

5. Is determined by the Department to have certified a woodland data form without satisfying the requirements of N.J.A.C. 7:3-3.3(b).

(b) Prior to removing an individual from the List of Approved Foresters under (a) above, the Department shall notify the individual in writing of the intent to remove the individual from the list. The notification shall include the basis for the removal and shall inform the individual of the procedure to request an adjudicatory hearing on the removal, in accordance with N.J.A.C. 7:3-3.9. If a hearing request is not timely received by the Department, the notice of removal shall become final and the Department shall remove the individual's name from the List of Approved Foresters.

(c) An Approved Forester may at any time submit a written request to have his or her name removed from the List of Approved Foresters.

7:3-3.8 Reinstatement to the List of Approved Foresters

(a) An individual whose name has been removed from the List of Approved Foresters pursuant to N.J.A.C. 7:3-3.7 may apply for reinstatement by submitting a written request to the New Jersey Forest Service in accordance with N.J.A.C. 7:3-1.4.

(b) A request for reinstatement shall contain the following information:

1. The name and address of the individual seeking reinstatement;

2. A statement that the individual is requesting reinstatement to the List of Approved Foresters;

3. A completed application for inclusion on the List of Approved Foresters prepared and submitted in accordance with N.J.A.C. 7:3-3.2(a) through (c); and

4. A statement of whether the individual's prior removal from the List of Approved Foresters was by the Department pursuant to N.J.A.C. 7:3-3.7(a) and (b), or was at the individual's request pursuant to N.J.A.C. 7:3-3.7(c).

(c) If an individual submits a request for reinstatement and the individual's name [is] was removed from the List of Approved Foresters by the Department pursuant to N.J.A.C. 7:3-3.7(a) and (b):

1. The Department shall not approve the request for reinstatement until at least:

i. One year after the date that the name of the individual was removed from the List of Approved Foresters; and

ii. If the individual was reinstated after a first removal pursuant to N.J.A.C. 7:3-3.7(a) and (b), two years after the date that the name of the individual was removed from the List of Approved Foresters for the second time; and

2. If the Department removed the individual from the List of Approved Foresters a third time, the removal is permanent and the Department shall not reinstate the individual to the List of Approved Foresters.

(d) Following receipt of a request for reinstatement, the Department shall notify an individual in writing of approval or denial of the request. If the Department denies the request, the notice shall include the basis for the denial, and inform the individual of the procedure to request an adjudicatory hearing on the denial in accordance with N.J.A.C. 7:3-3.9.

7:3-3.9 Adjudicatory hearing requests

(a) An individual who has received a written notice of denial of an application for inclusion on the List of Approved Foresters pursuant to N.J.A.C. 7:3-3.2(e), removal from the List of Approved Foresters pursuant to N.J.A.C. 7:3-3.7(b), or denial of reinstatement to the List of Approved Foresters pursuant to N.J.A.C. 7:3-3.8(d) may, within 21 days of receipt of the notice, request an adjudicatory hearing in accordance with this section.

(b) A request for an adjudicatory hearing shall include:

1. The name, mailing address, e-mail address (if any), and phone number of the individual submitting the request;

2. The name, mailing address, e-mail address, and phone number of the attorney (if any) representing the individual identified in (b)1 above for purposes of the adjudicatory hearing;

3. The date the individual identified in (b)1 above received written notice of the decision or proposed decision;

4. A copy of the written notice of decision being appealed;

5. A statement of the basis for the appeal;

6. An estimate of the time required for the hearing (in days and/or hours);

7. A request, if necessary, for a barrier-free hearing location for physically disabled persons; and

8. A clear indication of any willingness to negotiate a settlement with the Department prior to the Department's transmitting the case to the Office of Administrative Law.

(c) The individual requesting an adjudicatory hearing shall:

1. Submit the request in writing to:

Office of Legal Affairs

Attention: Adjudicatory Hearing Requests

Department of Environmental Protection

Mail Code 401-04L

401 East State Street, 7th Floor

PO Box 402

Trenton, New Jersey 08625-0402; and

2. Provide a copy to the New Jersey Forest Service at the address at N.J.A.C.

7:3-1.4(a).

(d) An adjudicatory hearing shall be conducted in accordance with the provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1-1 et seq.

SUBCHAPTER 5. FOREST STEWARDSHIP PROGRAM

7:3-5.1 General provisions

(a) The Forest Stewardship Program is a voluntary program for an owner who is willing to manage a qualifying property in accordance with a forest stewardship plan approved by the Department pursuant to this subchapter.

(b) A forest stewardship plan shall apply to the entirety of a single qualifying property that is privately held. To qualify, a property shall:

1. Include five acres or more of land, exclusive of land on which the Department determines that the owner is precluded from engaging in forest management due to an easement or other legal constraint, that qualifies as forest land; and

2. Not be landlocked.

(c) For the purposes of this subchapter, except as set forth in (d) below, land is forest land if it is a defined and continuous area of land that lies wholly within a property, is at least 0.5 acres in size, is to be managed under the plan as forest land, and:

1. Has at least 10 percent canopy cover; or

2. Does not currently have the canopy cover in (c)1 above, but is:

i. Capable of achieving at least 10 percent canopy cover; and

ii. Is scheduled in the forest stewardship plan as approved by the

Department to be afforested or reforested to such a level of canopy cover within the period for which the plan is approved.

(d) The following shall not qualify as forest land:

1. Land devoted to the production of Christmas trees;

2. Land on which trees are grown for sale as nursery stock; and

3. Land, such as an orchard, on which trees are grown primarily for their production of an agricultural product, such as apples or nuts.

(e) The owner of a qualifying property participates in the Forest Stewardship Program by managing the property in compliance with a forest stewardship plan. The Department shall deem an owner to be in compliance if:

1. The owner:
 - i. In consultation with an Approved Forester, has prepared a forest stewardship plan for the property that meets the criteria at N.J.A.C. 7:3-5.2;
 - ii. Has submitted the plan for review by the Department in accordance with N.J.A.C. 7:3-5.9 and has obtained the Department's approval of the plan;
 - iii. Is managing the property in compliance with the approved plan;
 - iv. Is monitoring progress toward the plan's objectives and maintaining records as required at N.J.A.C. 7:3-5.11(a), (b), and (c); and
 - v. If any of the circumstances listed at N.J.A.C. 7:3-5.12(a) apply, has submitted an amendment modifying the plan to incorporate appropriate revisions; and
2. The plan has not expired or been terminated, and its approval has not been revoked.

(f) An owner with an approved Federal guidelines plan or woodland management plan that has not expired, been terminated by the owner, or been revoked by the Department may convert the plan to a forest stewardship plan approved as conforming to this subchapter by preparing a plan conversion in accordance with N.J.A.C. 7:3-5.14 and submitting the plan conversion for review and approval under this subchapter as a forest stewardship plan.

(g) Compliance with a plan and the applicable requirements of this subchapter is the owner's responsibility. However, if the owner is not a single individual, an individual who meets the following criteria may, on behalf of the owner, sign the required certification and submit a plan, plan amendment, plan conversion, or notice of plan termination:

1. If the owner consists of two or more individuals, any of those individuals; and
2. If the owner consists of at least one person who is a corporation or other non-individual:
 - i. An employee of the non-individual or a member of its governing board; or
 - ii. If one or more individuals are co-owners with the non-individual owner, any of those individuals.

(h) Once approved, a forest stewardship plan is valid for a period of 10 years, unless revoked sooner by the Department, terminated by the owner, or replaced by the owner with a new plan.

(i) The 10-year period for which the plan is approved shall be specified by the Department on the title page of the plan:

1. The plan's start date shall be the date of the Department's issuance of a

notice of approval of the plan or, if applicable, the day after the expiration date of the prior plan, whichever is later; and

2. The plan's end date shall be the date that is 10 years after its start date. The plan period may not be extended. The plan shall expire on its end date.

(j) A property is subject to on-site inspection by the Department when a forest stewardship plan or a plan conversion is under review and, following approval, for verification of compliance.

(k) The Department may, if it finds that the information provided in a plan, plan amendment, or plan conversion is incorrect, revoke approval of the plan by providing a written notice of revocation. The Department shall include in the notice the Department's reason or reasons for the revocation.

(l) Department approval of a plan, plan amendment, or plan conversion pursuant to this subchapter does not relieve the owner of responsibility for complying with any other applicable legal obligation, such as obtaining a permit or other approval required under State, Federal, or local law or satisfying the terms of an easement, nor does it relieve the owner of liability for failure to comply. Approval under this subchapter does not constitute authorization to carry out any of the practices set forth in the plan until and unless all other applicable legal obligations are satisfied.

7:3-5.2 Plan criteria

(a) A forest stewardship plan shall contain:

1. A title page in accordance with N.J.A.C. 7:3-5.3;
2. A background and goals section in accordance with N.J.A.C. 7:3-5.4;
3. A property overview section in accordance with N.J.A.C. 7:3- 5.5;
4. A forest stands section in accordance with N.J.A.C. 7:3-5.6;
5. A management schedule in accordance with N.J.A.C. 7:3-5.7; and
6. Appendices, including maps, in accordance with N.J.A.C. 7:3-5.8.

(b) Management of the forest land and its natural resources under the plan shall be based on the principle of conservation. That is, the plan shall be designed to sustain the productivity of the forest land and its natural resources in perpetuity. The plan may allow compatible human use. If the plan includes cutting and removal of trees, it shall ensure regeneration sufficient to maintain the forest and its ecosystem.

(c) The plan shall prescribe active management to sustain and enhance forest productivity and yield of ecosystem services.

(d) No plan shall call for removal of trees, such that the canopy cover of the affected area is reduced to less than 10 percent, unless the tree removal is part of a prescription that leads to forest regeneration within the plan period.

(e) The plan shall be designed to be implemented in a sustainable manner and in a manner that protects and preserves each cultural resource identified pursuant to N.J.A.C. 7:3-5.5(g).

7:3-5.3 Title page

- (a) A plan's title page shall include the following:
1. A title for the plan, as follows: "Forest Stewardship Plan for {*Property Name, as provided by the owner*}";
 2. The legal name, mailing address, and phone number of the owner or owners and, if in accordance with N.J.A.C. 7:3-5.1(g) an individual is signing the certification on behalf of a corporation or other non-individual, the individual's name and relationship to the owner;
 3. The name of the Approved Forester with whom the owner prepared the plan;
 4. The property's street address, if available, and each county, and each municipality within the county, in which the property in whole or part is located and, for each municipality, the block and lot numbers from the municipal tax map for each lot that is part of the property;
 5. The acreage of the property as a whole and of the property's forest land, accurate to the nearest hundredth of an acre;
 6. Whether the owner intends to submit the plan with an application for farmland assessment; and
 7. The certifications specified in (c) below.
- (b) The title page shall include space for the New Jersey Forest Service to record the date the plan was received for review, the date of the notice of approval, the start and end dates of the plan period, and the ID number assigned by the New Jersey Forest Service.
- (c) The title page shall include the following certifications:
1. To be signed and dated by the owner:
"I certify that I am the owner of the property or am authorized by the owner to make this certification. I have read the within forest stewardship plan and the information contained in the plan is true. To the best of my knowledge, the plan meets the requirements of the Forest Stewardship Program rules at N.J.A.C. 7:3-5 and applicable Federal and State law. The owner agrees to implement the plan, as approved or as subsequently amended"; and
 - 2, To be signed and dated by the Approved Forester:
"I prepared the within forest stewardship plan in consultation with the owner of the property. I certify that, to the best of my knowledge, the plan meets the requirements of the Forest Stewardship Program rules at N.J.A.C. 7:3-5 and applicable Federal and State law."

7:3-5.4 Background and goals

- (a) A forest stewardship plan shall begin with a background and goals section.
- (b) With regard to background, the section shall:
1. Describe the location of the property, given in terms such as the distance and direction along a roadway from an intersection or other distinctive feature, and indicate where

the property is to be accessed from a public roadway;

2. State whether all or part of the property is located in the Highlands Region, as designated by N.J.S.A. 13:20-7, or the Pinelands Area, as designated by N.J.S.A. 13:18A-11;

3. Provide relevant history of the property, including:

i. Information regarding the present condition of the property's forest land, the property's past ownership, change in land use over time, and past events or practices that contribute to the present condition, such as past harvesting and other forest management activities, agricultural practices, wildfire, flooding, drought, and/or insect and disease outbreaks; and

ii. For any forestry plan applicable to the property within the past 10 years, the type of plan (such as woodland management plan or forest stewardship plan approved under this subchapter), and date and reason the plan has ended or will end (such as by expiration, termination, or revocation);

4. If a prior forest stewardship plan applies to the property, whether it is not yet expired or has expired within the past 10 years, list for each stand the objectives in the prior plan applicable to the stand, report for each objective the monitoring data collected and recorded pursuant to N.J.A.C. 7:3-5.11(c) during the plan period, describe the trend if any shown by the data, and assess the progress toward the objective achieved under the prior plan;

5. State whether:

i. The property includes wetlands and, if so, whether any prescriptions and practices in the plan are subject to the Freshwater Wetlands Protection Act rules at N.J.A.C. 7:7A-2.8; and

ii. Some or all of the property's forest land lies in a flood hazard area and, if so, whether any of the prescriptions and practices in the plan is subject to the Flood Hazard Area Control Act rules at N.J.A.C. 7:13-7;

6. Describe any legal constraint, such as an easement, that has the potential to affect management of the property's forest land; and

7. Describe any other factors relevant to the design of the plan, such as local considerations, economic aspects, and/or aesthetic, privacy, or safety concerns.

(c) With regard to goals, the section shall:

1. Set forth the owner's long-term goals for the property and its forest land. These shall include:

i. Ensuring the sustainability of the property's forest land;

ii. Any additional long-term stewardship goal the owner has for the forest land and its natural resources; and

iii. Any other long-term goal of the owner with respect to the property. Such goal shall be compatible with each goal identified pursuant to (c)1i and ii above; and

2. Indicate whether the owner intends to manage the property's forest land in coordination with the management of one or more neighboring properties and, if so, explain

the goals of and mechanisms for such management.

(d) The section shall include the owner's acknowledgement of the obligation to carry out monitoring and recordkeeping in accordance with N.J.A.C. 7:3-5.11.

(e) The section shall indicate whether the prescriptions and practices in the plan are designed to:

1. Ensure the sustainability of the forest land; and
2. Eliminate excessive and unnecessary cutting.

7:3-5.5 Property overview

(a) The owner shall ensure that the boundaries of the property are physically marked, such as by a fence, roadway, or signage, or a natural feature, such as a stream. The property overview section shall describe how the boundaries of the property are physically demarked.

(b) The section shall indicate the use being made of each portion of the property as of the date the plan is submitted for review in accordance with N.J.A.C. 7:3-5.9. If, pursuant to N.J.A.C. 7:3-5.1(c) and (d), an area qualifies as forest land, the section shall:

1. State whether the area is "current" forest land or "proposed" forest land scheduled to be afforested or reforested under the plan. If it is "proposed" forest land, the section shall also specify the current use being made of the area;

2. Give its acreage accurate to the nearest hundredth of an acre; and

3. Identify its location on the property.

(c) The section shall describe:

1. The topography of the property and any distinctive land forms or landscape features;

2. Characterize the property's soils and their erodability, and provide reference to the soils map submitted as an appendix pursuant to N.J.A.C. 7:3-5.8(b)1;

3. The hydrological characteristics of the property, including, but not limited to:

i. Any waterbody or waterway present;

ii. Any wetland, indicating whether it is capable of growing trees, its resource value classification (exceptional, intermediate, ordinary) as assigned under the Freshwater Wetlands Protection Act rules at N.J.A.C. 7:7A, and the width of its associated transition area, if any; and

iii. Any area that is a regulated area pursuant to the Flood Hazard Area Control Act rules at N.J.A.C. 7:13, including the regulated water, any associated flood hazard area and its floodway, and the associated riparian zone and the width of the zone; and

4. Any route to be used to access the forest land that crosses a waterbody, waterway, wetland, any transition area associated with the wetland, flood hazard area, and/or a riparian zone, and the infrastructure to be employed for such crossing.

(d) The section shall describe the ecology and biodiversity of the property, discuss the role, if any, that fire plays in the ecology of the property, and identify:

1. Any State-listed threatened or endangered species determined to be on or near the property through a search of the Natural Heritage Database performed no more than one year prior to the date the plan is submitted for review pursuant to N.J.A.C. 7:3-5.9. The owner shall request such search by:

i. Completing a Natural Heritage Data Request Form. The form may be downloaded from the Department's website, www.nj.gov/dep/parksandforests/natural/heritage/nhd.pdf, or requested from the Department at the address in (d)iii below; and

ii. Submitting the completed form by e-mail, mail, or fax to:
New Jersey Department of Environmental Protection

Office of Natural Lands Management
Mail Code 501-04
PO Box 420
501 East State Street
Station Plaza #5, 4th floor
Trenton, NJ 08625-0420
Fax: (609) 984-1427
E-mail: Natlands@dep.nj.gov; and

2. Any Federally listed threatened or endangered species determined to be on or within the vicinity of the property, or to have critical habitat on or within the vicinity of the property, in accordance with procedures established by the USFWS's New Jersey Field Office. An owner shall obtain information about these procedures from:

United States Fish and Wildlife Service
New Jersey Field Office
Atlantic Professional Park
4 East Jimmie Leeds Road, Unit 4
Galloway, New Jersey 08205
Phone: (609) 646-9310
www.fws.gov/northeast/njfieldoffice/endangered/consultation.html.

(e) In complying with (d)1 and 2 above, the plan shall not divulge the precise location of any Federally listed or State-listed threatened or endangered species.

(f) With respect to the property's "current" forest land identified pursuant to (b) above, the section shall:

1. Identify threats to the sustainability of the forest land or the forest ecosystem, including factors that impair forest health or impede natural succession, such as insect infestations and disease, storms, flooding, drought, invasive species, salt spray, ice, and deer; and

2. Assess the condition of the forest land with respect to carbon sequestration, taking into consideration its functioning both as a carbon source and a carbon sink.

(g) The section shall identify any cultural resources on the property that merit protection and preservation, including:

1. Any prehistoric or historic district, site, building, structure, or object listed in the New Jersey Register of Historic Places and/or the National Register of Historic Places, available at www.nj.gov/dep/hpo/1identify/nrsr_lists.htm; and

2. Any other unique feature that the owner identifies as archeologically, culturally, historically, geologically, biologically, or ecologically valuable.

(h) If present on the property or relevant to the plan's objectives, the section shall also discuss:

1. The property's natural resources with respect to their potential for providing recreational opportunities, affording fish and wildlife habitat, producing desired timber species, producing wood, fiber, or other forest product, and/or enhancing aesthetic qualities;

2. The potential for usage of forest land through agroforestry or as range land; and

3. Any conservation-based estate planning undertaken by the owner.

7:3-5.6 Forest stands

(a) All of the property's forest land, identified pursuant to N.J.A. C. 7:3-5.5(b) shall be assigned to a stand. The forest stands section shall list the property's stands and, for each stand:

1. Identify the name or number by which the stand is referenced in the plan;

2. State its total acreage, accurate to the nearest hundredth of an acre; and

3. Provide forest inventory information based on a recent survey. This shall include:

i. The species composition of the stand's vegetation, with the overstory and understory described separately;

ii. The stand's forest type;

iii. The structure of the stand, including:

(1) For an even-aged stand, its age class, DBH class, and crown class; and

(2) For an uneven-aged stand, its age-class distribution, DBH-class distribution, and crown-class distribution;

iv. The stocking level of the stand, given as a percentage of full stocking;

v. The stand's volume and rate of growth;

vi. The stand's site index;

vii. If the plan directs that any prescription or practice be carried out in the stand during the plan period, a stand table and a stock table for the stand;

viii. The condition of the stand, including:

(1) The size, growth rate, and vigor of the trees;

(2) The density of the stand, expressed as basal area, and whether any mortality is evident;

(3) The status of native biodiversity within the forest or stand

and the extent to which factors that suppress such biodiversity are present, such as browse by deer;

(4) The status of regeneration;

(5) Whether any invasive species impair, or threaten to impair, the stand's ecosystem and, if so, identification of the species and the extent and manner of impairment or potential impairment;

(6) The presence of biotic or abiotic damage-causing agents, such as insect infestations, disease, and/or salt spray;

(7) Evidence of damage-causing events, such as flooding, wildfire, and/or high winds; and

(8) Litter cover; and

ix. If the plan prescribes management of any resource other than trees, the current status of that resource.

(b) For each stand, the forest stands section shall:

1. Give the desired future condition of the stand, and explain how this desired condition has a clear and direct relationship to one or more of the long-term goals set forth in the plan pursuant to N.J.A.C. 7:3-5.4(c)1; and

2. Set forth one or more objectives directed toward achieving the desired future condition, specifying in each objective one or more measurable results planned to be achieved within the plan period.

(c) For each objective set forth pursuant to (b)2 above, provide the method to be used for monitoring progress toward the planned result and for assessing forest productivity, including:

1. One or more parameters to be measured to determine the amount or extent of the progress toward the planned result;

2. How the parameter will be measured, including any constraints or conditions that are to be observed in taking the measurements;

3. The units to be used in recording the measurements; and

4. The baseline value of each parameter, measured in accordance with (c)1, 2, and 3 above, and the date that the measurement was taken.

(d) As established at N.J.A.C. 7:3-5.2(c), a plan shall prescribe active management. In accordance with (e) below, the plan shall list the prescriptions and practices to be carried out in each forest stand during the plan period, except that a plan may list none for a stand if progress can be made toward the objective(s) for the stand without active management, the property has multiple stands, and the plan prescribes active management for one or more other stands. In such case, the section shall state, for each stand in which there will be no active management, that no prescription or practice will be carried out in that stand during the plan period and provide explanation.

(e) For each stand in which active management will be carried out under the plan, the section shall, for each objective set forth for the stand pursuant to (b)2 above, list the prescriptions and practices to be carried out during the plan period and indicate for each:

1. The rationale for the prescription or practice;
2. The extent to which it will be carried out and the methods anticipated to be used;
3. Whether it will impact, or have the potential to impact, a wetland, a transition area associated with a wetland, a flood hazard area, and/or a riparian zone;
4. Whether it could adversely impact any Federally listed threatened or endangered species identified pursuant to N.J.A.C. 7:3-5.5(d)2 or result in destruction or adverse modification of its critical habitat and, if so, identify each measure that will be taken to avoid such adverse impact to the species and/or destruction or adverse modification of its critical habitat;
5. Whether it could adversely impact any additional State-listed threatened or endangered species identified pursuant to N.J.A.C. 7:3-5.5(d)1, or its habitat and, if so, identify each measure that will be taken to avoid such adverse impact to the species and/or its habitat; and
6. Whether it could adversely impact any cultural resource identified pursuant to N.J.A.C. 7:3-5.5(g) and, if so, identify each measure that will be taken to protect and preserve the cultural resource.

7:3-5.7 Management schedule

The management schedule shall present in table format, in chronological order (to the extent feasible), the practices to be carried out during the plan period. The table shall indicate the stand or stands in, or for which, the practice is to be carried out, the planned extent of the practice, and the year or range of years in which the practice will be carried out.

7:3-5.8 Appendices

- (a) The appendices to a plan shall include:
 1. Maps relevant to the plan, including, at a minimum, those specified in (b) below;
 2. A copy of the Natural Heritage Data search report relied upon pursuant to N.J.A.C. 7:3-5.5(d)1, including documentation of its date of issuance; and
 3. A copy of the documentation relied upon to identify the Federally listed threatened or endangered species determined to be on or within the vicinity of the property, or to have critical habitat on or within the vicinity of the property, as required at N.J.A.C. 7:3-5.5(d)2, and the date the documentation was issued.
- (b) The appendices shall contain the following maps:
 1. A soils map showing the soil group classifications that apply to the property, based on information obtained from the National Resource Conservation Service's Web Soil Survey at <http://websoilsurvey.sc.egov.usda.gov> no more than one year prior to the date the plan is submitted for review;
 2. A locator map that identifies the location of the property in relation to the local area and displays identifiable features, such as neighboring roads and road

intersections, waterways, and structures, that can be helpful in locating the property. The locator map may be provided as a box inset on a map of the property; and

3. A map of the property that meets the following requirements:

i. The map's scale shall not be smaller than 1 inch:1,500 feet or larger than 1 inch:200 feet;

ii. The map shall be displayed on a background of color aerial photography unless two or more maps of the property will be submitted. In such case, only one, showing the entirety of the property, needs to be displayed on aerial photography;

iii. The map shall display the information in (b)3iii(1) through (5) below. If the amount of this information is too much to be displayed clearly on a single map, two or more property maps may be included in a plan, each of which presents a portion of the property and/or a subset of the required elements:

(1) The physical features of the property, including natural features, such as waterbodies and waterways and built features such as roads, railroads, and structures;

(2) Any wetland, any transition area associated with the wetland, any flood hazard area, and any riparian zone on the property;

(3) Any area, within the property's forest land, that is subject to an easement or other legal restriction, such as a right of way held by a public utility, relevant to management of the forest land;

(4) The uses being made of the land at the time the plan is prepared and submitted for review; and

(5) Any existing or proposed access route, constructed or maintained for forest management, that crosses a waterbody, waterway, wetland, transition area associated with the wetland, flood hazard area, and/or riparian zone.

(c) Each map shall:

1. Have a label that provides:

i. A brief title indicating the type of information being displayed;

ii. The owner's name;

iii. The street address of the property, if available; the block and lot number of the property's primary lot; and the county and municipality in which that lot is located;

iv. The date the map was prepared;

v. An arrow designating the north direction; and

vi. The source from which the map is derived (tax map, land survey, deed, aerial photography);

2. Include a legend that explains the meaning of each of the symbols appearing on the map and gives the scale of the map;

3. Be clear and legible, and at a scale appropriate to distinguish the relevant information;

4. Delineate the boundary of the property, taken from the most recent tax map of the taxing district in which the property is located or other such reliable source; and

5. Delineate each stand and label each stand with the name or number identified for the stand pursuant to N.J.A.C. 7:3-5.6(a)1.

7:3-5.9 Submission of a plan, plan amendment, or plan conversion

(a) No owner shall submit, or authorize the submission of, a forest stewardship plan, plan amendment, or plan conversion for review unless it meets all the applicable requirements in this subchapter.

(b) Unless the document is being submitted electronically pursuant to N.J.A.C. 7:3-1.4(b), an owner shall submit a forest stewardship plan, plan amendment, or plan conversion:

1. On 8.5 inch by 11 inch paper, except that maps and other graphics may be larger to provide appropriate scale; and

2. To the regional office of the New Jersey Forest Service that serves the county where all or the greatest portion of the property's forest land are located. Contact information for regional offices of the New Jersey Forest Service is available on the Department's website, www.state.nj.us/dep/parksandforests/forest/njfs_regional_offices.html.

7:3-5.10 Department review

(a) The Department may inspect a property to assess whether a forest stewardship plan, plan amendment, or plan conversion submitted to it meets the requirements of this subchapter.

(b) The Department shall not approve a forest stewardship plan, plan amendment, or a plan conversion, unless the plan, plan amendment, or plan conversion conforms with the requirements of this subchapter.

(c) The Department shall notify the owner and the Approved Forester identified on the title page of the plan whether the plan, plan amendment, or plan conversion is approved or not approved. Notification shall be in writing.

(d) If the Department disapproves the plan, plan amendment, or plan conversion, the written notification in (c) above shall include the Department's reason or reasons therefor.

7:3-5.11 Monitoring and recordkeeping

(a) The owner shall maintain records that document:

1. The implementation of prescriptions and practices; and
2. Each inspection for verification of compliance with the plan that is carried out by the Department.

(b) The owner shall monitor the progress made toward each objective in the plan as follows:

1. For each objective, measurements shall be taken in accordance with the applicable monitoring method in the approved plan;

2. If the plan provides for any prescription or practice to be carried out during the plan period in order to make progress toward the objective, the measurements shall be taken in the third, sixth, and ninth years of the plan period; and

3. If the plan does not provide for any prescription or practice to be carried out during the plan period in order to make progress toward the objective, the measurements shall be taken in the ninth year of the plan period.

(c) The owner shall make and maintain a monitoring record, organized by stand, and within each stand by objective. For each objective, the owner shall sequentially record the value obtained when each measurement is taken pursuant to (b) above, together with the date the measurement is taken.

(d) At the time of an on-site inspection carried out under N.J.A.C. 7:3-5.1(j), the owner shall make all records maintained pursuant to (a) and (c) above available for on-site review by the Department.

(e) The owner shall, within 15 days of receipt of a written request, provide a copy of the monitoring record required pursuant to (c) above to the Department.

7:3-5.12 Plan amendments

(a) The owner shall submit an amendment to the plan if any of the following circumstances occurs during a plan period:

1. The owner decides to modify the long-term goals for the property and its forest land;

2. The owner determines that any of the plan's objectives, prescriptions, or practices is no longer viable;

3. An on-site inspection carried out by the Department indicates:
i. Information in the plan is not or is no longer true; or
ii. An objective, prescription, or practice in the approved plan is no longer appropriate or viable for the property;

4. A change in land use occurs, such that:
i. The affected area of the property will no longer be used as described in the approved plan pursuant to N.J.A.C. 7:3-5.5(b); and
ii. The change will:

(1) Impact any of the property's forest land;
(2) Interfere with the conduct of any prescription or practice in the plan;
(3) Convert forest land to a non-forest use; or
(4) Convert any portion of the property to a use that is inconsistent with the sustainability of any of the property's forest land; or

5. The owner acquires new adjacent land that includes forest land, or sells, or otherwise conveys to another person, a portion of the property that includes forest land.

(b) In addition, at any time during the plan period, an owner may choose to submit an

amendment to a plan.

(c) An owner shall prepare a plan amendment in consultation with an Approved Forester and submit it for review in accordance with N.J.A.C. 7:3-5.9.

(d) A plan amendment shall:

1. Request the Department's approval of one or more changes to the approved forest stewardship plan and explain the reason for each change;
2. Include an amended title page that meets the requirements at N.J.A.C. 7:3-5.3(a)1 through 6 and additionally includes:
 - i. The start date and end date of the plan period, as specified by the Department when the plan was initially approved;
 - ii. The ID number assigned by the New Jersey Forest Service;
 - iii. The date on which each prior amendment, if any, was approved;
 - iv. Space for the New Jersey Forest Service to record the date the amendment was received for review and the date of approval of the amendment; and
 - v. Certifications in accordance with N.J.A.C. 7:3-5.3(c) signed and dated by the owner and the Approved Forester;
3. Indicate whether one or more of the owner's long-term goals for the property and its forest land have changed and, if so, explain how they have changed; and
4. Provide all information required in a plan pursuant to N.J.A.C. 7:3-5.6 that is relevant to each change and, if the management schedule is consequently altered, provide a revised management schedule in accordance with N.J.A.C. 7:3-5.7.

7:3-5.13 Change in ownership

(a) If ownership changes as to all or a portion of a property for which there is an approved forest stewardship plan in effect, the approval shall be deemed revoked as to all of the property under the plan as of the date of the transfer, except as set forth in (b) below.

(b) If ownership of all or a portion of a property covered by a forest stewardship plan changes, the plan shall continue to be considered to be in effect and its approval not revoked for any portion of the property covered by the plan, whether retained or transferred, provided:

1. The portion of the property, whether retained or transferred, meets the requirements of N.J.A.C. 7:3-5.1(b) for a qualifying property either in itself or, in the case of a transferred portion, together with one or more other contiguous lots held by the new owner;
2. Until the plan is amended or a new plan is approved, the owner manages the portion of the property in accordance with the applicable provisions of the plan and the requirements of N.J.A.C. 7:3-5.11; and
3. Within one year of the date of the transfer, the owner of the portion submits for review and approval in accordance with N.J.A.C. 7:3-5.9:
 - i. A plan amendment that reflects the transfer of ownership and the goals and objectives of the new owner; or
 - ii. A new forest stewardship plan.

7:3-5.14 Plan conversions

(a) An owner may, in accordance with this section, convert a Federal guidelines plan or woodland management plan to a forest stewardship plan that meets the requirements of this subchapter, provided that the plan has not expired and the owner has managed the property's stands in compliance with that plan since its date of approval.

(b) The owner shall prepare a plan conversion in consultation with an Approved Forester and submit it for review in accordance with N.J.A.C. 7:3-5.9.

(c) A plan conversion shall:

1. State that the owner wants to convert a Federal guidelines plan or woodland management plan to a forest stewardship plan;

2. Provide a new title page that meets the requirements at N.J.A.C. 7:3-5.3(a)1 through 6 and additionally includes:

i. The start date and end date of the plan period. These shall be the same as the start and end dates of the plan being converted to a forest stewardship plan, except that the length of the plan period for the converted plan may not exceed 10 years;

ii. Space for the New Jersey Forest Service to record the date the plan conversion was received for review, the date of the notice of approval of the conversion, and the ID number assigned by the New Jersey Forest Service; and

iii. Certifications in accordance with N.J.A.C. 7:3-5.3(c) signed and dated by the owner and the Approved Forester;

3. Provide, to the extent not already included in the Federal guidelines plan or woodland management plan, all of the information required at N.J.A.C. 7:3-5.2(a) for a forest stewardship plan. If the Federal guidelines plan or woodland management plan provides all the information required for any section of the plan, a statement to that effect shall be included; and

(d) If the owner, in addition to providing the information necessary for conversion of a plan, is seeking approval of any amendment to the plan, include a statement to that effect and explain the reason for each change, and for each change provide the information required to be included in a plan amendment pursuant to N.J.A.C. 7:3-5.12(d)3 and 4.

SUBCHAPTER 6. FOREST STEWARDSHIP ADVISORY COMMITTEE

7:3-6.1 Committee membership

(a) The State Forester shall serve on the Committee as Committee Chair.

(b) The following shall serve ex officio:

1. Director of the USDA Forest Service, Northeastern Area;

2. The State Conservationist of New Jersey within USDA's Natural Resources Conservation Service (NRCS);

3. The Executive Director of the New Jersey State Office of USDA's Farm

Service Agency;

4. The Director of the Cooperative Extension Service of the Rutgers New Jersey Agricultural Experiment Station (NJAES);
5. The Director of the Division of Taxation in New Jersey's Department of the Treasury;
6. The Director of the Division of Agricultural and Natural Resources in the New Jersey Department of Agriculture;
7. The President of the New Jersey Forestry Association;
8. The Chair of the New Jersey Division of the Society of American Foresters;
9. The President of the Association of Municipal Assessors of New Jersey;
10. The Supervisor of the New Jersey Field Office, Northeast Region Ecological Services, USFWS;
11. The Chair of the New Jersey Tree Farm Committee; and
12. The Director of the New Jersey Division of Fish and Wildlife.

(c) In this subchapter, reference to an ex officio member shall mean either the individual listed in (b)1 through 12 above or that individual's designee, as applicable. A designee shall be an employee or a member of the governing board of the agency or organization.

(d) Additionally, the Commissioner shall appoint six members to the Committee, each of whom shall serve as a representative of the respective interest area specified as follows:

1. An individual on the List of Approved Foresters maintained by the Department pursuant to N.J.A.C. 7:3-3, as a representative of Approved Foresters;
2. An employee or member of the governing board of a New Jersey lands trust that is actively engaged in natural resource land management, as a representative of such land trusts;
3. An owner or operator of a private forest products business located in New Jersey, as a representative of such businesses;
4. A New Jersey property owner who is eligible under the National Forest Stewardship Guidelines to qualify to enroll the property in the Federal forest stewardship program administered by the USDA Forest Service under the Cooperative Forestry Assistance Act of 1978, as amended, 16 U.S.C. § 2103A, as a representative of private forest landowners;
5. A representative of a New Jersey nonprofit conservation organization, other than a land trust, that aids and advises private property owners and/or local government units in the preservation of forest land, as a representative of such conservation organization; and
6. A representative of a nonprofit environmental advocacy organization that is not a land trust or conservation organization, but is concerned with forests and forestry in New Jersey, as a representative of such nonprofits.

(e) In addition to the six members set forth in (d) above, the Commissioner may appoint up to three additional members to the Committee to represent other relevant interests as the Commissioner deems appropriate.

(f) No individual shall serve on the Committee as the representative of more than one category in (b) and (d) above, even if he or she meets the qualifications for more than one category.

(g) No employee of the Department shall serve as an appointed member of the Committee pursuant to (d) or (e) above while employed by the Department.

7:3-6.2 (Reserved.)

7:3-6.3 Appointed members; term and compensation

(a) Appointed members shall serve at the pleasure of the Commissioner for a term of three calendar years.

(b) Notwithstanding (a) above, of the six members of the Committee to be initially appointed by the Commissioner in accordance with N.J.A.C. 7:3-6.1(d), two shall be appointed for a term of one calendar year (or part thereof), two for a term of two calendar years (or part thereof), two for a term of three years (or part thereof). Thereafter, each appointment under N.J.A.C. 7:3-6.1(d) shall be made for a term of three calendar years, except as set forth in (d) below.

(c) An appointed member shall serve for the term for which he or she is appointed, or until the member resigns or his or her term is terminated by the Commissioner.

(d) Each appointed member serving at the time of the expiration of his or her term, may continue to serve until he or she resigns or his or her successor is appointed, unless the Commissioner directs otherwise.

(e) Any vacancy occurring in the appointed membership of the Committee, by expiration of term or otherwise, shall be filled by the Commissioner in the same manner as the original appointment. A new appointee shall serve for the unexpired portion of the term.

(f) Appointed members shall serve without compensation.

7:3-6.4 Functions and authority of the Committee

(a) The Committee is authorized to perform any function assigned to it under Federal or State law, including, but not limited to:

1. Advising the Department in accordance with N.J.S.A. 13:1L-35 and 36, and the USDA Forest Service's National Forest Stewardship Guidelines; and

2. Serving as New Jersey's Forest Stewardship Coordinating Committee in accordance with the Food, Agriculture, Conservation, and Trade Act of 1990, 16 U.S.C. § 2103(c), and the Cooperative Forestry Assistance Act, 16 U.S.C. § 2113(b).

7:3-6.5 Organization and conduct of the Committee

(a) The chairperson shall, in accordance with N.J.A.C. 7:3-6.6, schedule and preside over Committee meetings and coordinate Committee activities. The Committee may take action by the affirmative vote of a majority of the members present at a meeting, provided that a quorum

of 50 percent or more of the members of the Committee is in attendance.

(b) All Committee members shall be voting members, except that the chairperson shall vote only as necessary to break a tie.

(c) As soon as practical after the initial appointment of the Committee's members, the chairperson shall call a meeting of the Committee.

(d) The Committee shall elect a Vice-Chair from among its members. The Vice-Chair shall serve as chairperson in the event of the absence or recusal of the Committee Chair. The member elected Vice-Chair shall serve in that position for one year, unless he or she resigns the position or is no longer a member of the Committee. The Committee shall elect a Vice-Chair from among the Committee's membership whenever there is a vacancy in the position, but no less frequently than annually.

(e) The Committee may adopt bylaws for the regulation of its affairs, provided these are consistent with the provisions of this subchapter and are approved by the State Forester. Bylaws may include, but need not be limited to, how Committee meetings shall be conducted and the establishment of additional officer positions, temporary or ongoing.

7:3-6.6 Authority and responsibilities of the Chair

(a) Annually, after consulting with members at a regularly scheduled meeting, the Chair shall establish a schedule of Committee meetings, which shall provide for no fewer than three meetings per calendar year, and which shall fix the time and place of the meetings.

(b) The Chair shall prepare and distribute an agenda prior to each meeting and shall preside over the meeting.

(c) The Chair may call special meetings of the Committee on not less than 10 days' notice to each member, when the Chair determines such a meeting is necessary or advisable.

(d) Subject to Committee vote, the Chair may:

1. Establish a sub-committee for an assigned purpose, name a member to head the sub-committee, assign responsibilities to the sub-committee, and specify deadlines and obligations of the sub-committee to report to the Committee as a whole; and
2. Dissolve a sub-committee when its work is complete or it is otherwise no longer needed.

(e) Subject to Committee vote, the Chair may:

1. Establish one or more temporary officer positions, specify the duties of the position, and assign a member to the position; and
2. Eliminate any temporary officer position at the end of the term of the incumbent on the Committee or whenever the Chair determines that the position is no longer needed.

(f) The Chair shall sign, on behalf of the Committee, reports, letters, and other documents approved by the Committee.

(g) The Chair shall track the participation and terms of Committee members and may request that the Commissioner:

1. Dismiss, and thereafter replace, an appointed member who does not attend three or more meetings in a calendar year, or three consecutive meetings;

2. Replace a member who resigns or who is dismissed by the Commissioner;
and

3. Reappoint or replace a member whose term expires.

(h) The Chair shall ensure that the following are made and maintained in accordance with the applicable requirements for retention and disposition of public records at N.J.A.C. 15:3:

1. Records of members' attendance at Committee meetings;

2. Minutes of all Committee meetings;

3. Reports and other such products of the Committee conveying its advice and/or recommendations pursuant to N.J.A.C. 7:3-6.4, together with any and all supporting documentation; and

4. Committee correspondence.