

August 19, 2013

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1085**

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Committee Substitute for Senate Bill No. 1085 with my recommendations for reconsideration.

This bill requires the Department of Environmental Protection ("DEP") to establish a forest stewardship program for State-owned lands. I commend the bill's sponsors for their efforts to address this important environmental issue. I agree that it is in the public interest to establish a program for the responsible stewardship of forests on State-owned lands to promote the long-term health and vigor of New Jersey's forests.

My sole concern with the bill is the requirement that DEP abdicate its responsibility to serve as the State's environmental steward to a named third party. According to the Office of the Attorney General, this constitutes an improper delegation of Executive Branch authority in violation of the Constitution. Therefore, I recommend removing the mandatory requirement in favor of relying on DEP's and the State Forester's expertise, but still empowering the DEP Commissioner to, in his or her discretion, seek the certification of an independent, third-party entity with expertise in forest stewardship should such certification be prudent.

Accordingly, I herewith return Senate Committee Substitute for Senate Bill No. 1085 and recommend that it be amended as follows:

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| <u>Page 2, Section 2, Lines 10-47:</u> | Delete in their entirety |
| <u>Page 3, Section 2, Lines 1-24:</u> | Delete in their entirety |
| <u>Page 3, Section 3, Line 26:</u> | Delete "3." and insert "2." |

- Page 3, Section 3, Line 30: Delete "adopted" and insert "developed"
- Page 3, Section 3, Line 40: Delete "adoption" and insert "implementation"
- Page 3, Section 3, Lines 40-42: Delete "conforms to the standards adopted by the independent, not-for-profit Forest Stewardship Council" and insert "conform to generally accepted forest stewardship principles"
- Page 3, Section 3, Line 43: Delete "adopt" and insert "implement"
- Page 3, Section 3, Line 44: After "lands" insert "operated or managed by the Department of Environmental Protection"
- Page 3, Section 3, Line 44: After "identified" insert "and consult, to the extent necessary, with State departments or agencies that operate or manage other parcels of forested lands in the development and implementation of forest stewardship plans for those parcels that do not unnecessarily interfere with or prohibit the use of the land by the State department or agency that owns the land"
- Page 3, Section 3, Line 45: After "(5)" insert "in the commissioner's discretion and consistent with all other applicable laws, rules, and regulations,"
- Page 3, Section 3, Lines 45-46: Delete "the Forest Stewardship Council for each" and insert "an independent, third party with expertise in forest stewardship for any"
- Page 4, Section 3, Line 1: After "(6)" insert "in the commissioner's discretion and consistent with all other applicable laws, rules, and regulations,"
- Page 4, Section 3, Lines 2-3: Delete "a Forest Stewardship Council certification body to obtain Forest Stewardship certification" and insert "an independent, third party with expertise in forest stewardship"
- Page 4, Section 3, Line 19: Delete "adopted" and insert "developed"

- Page 4, Section 3, Lines 23-24: Delete "standards adopted by the Forest Stewardship Council" and insert "generally accepted forest stewardship principles"
- Page 5, Section 4, Line 23: Delete "4." and insert "3."
- Page 5, Section 4, Line 24: After "lands" insert "operated or managed by the Department of Environmental Protection"
- Page 5, Section 4, Lines 25-26: Delete "and by the Forest Stewardship Council"
- Page 5, Section 4, Line 39: Delete "adopted" and insert "developed"
- Page 6, Section 4, Line 4: Delete "an adopted" and insert "a developed"
- Page 6, Section 5, Line 10: Delete "5." and insert "4."
- Page 6, Section 6, Lines 30-45: Delete in their entirety and insert:
- "5. The Department of Environmental Protection shall regularly post information concerning the program on its website which may include but need not be limited to an explanation of the process for the development of forest stewardship plans, a list of the forest stewardship plans developed, a description of the locations of the forest stewardship activities performed pursuant to the plans, ecological goals for each area on which forest stewardship activities have occurred, any forest regeneration procedures employed, cost effectiveness of the stewardship techniques used, environmental problems encountered in the program, the costs of the program, and any other information the commissioner deems appropriate."

Page 6, Section 7, Line 47:

[seal]

Delete "7." and insert "6."

Respectfully,

/s/ Chris Christie

Governor

Attest:

/s/ Charles B. McKenna

Chief Counsel to the Governor