

NJ Department of Environmental Protection
Division of Parks and Forestry
State Forest Service

No Net Loss Reforestation Program

Grant Program Guidelines

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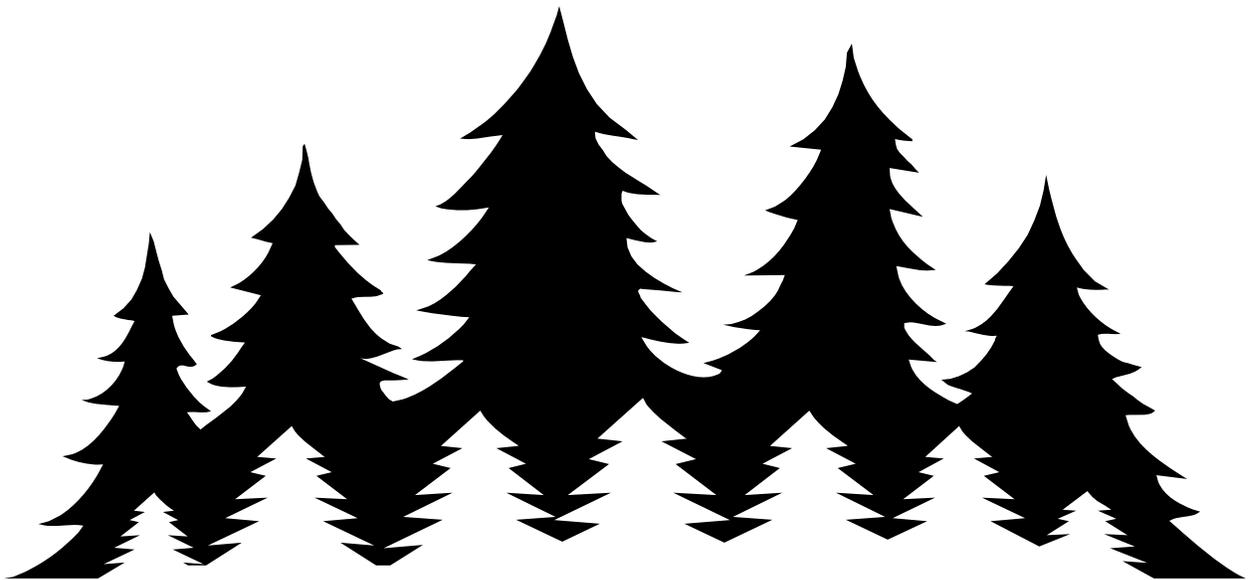


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Section I Introduction

A. Purpose of These Guidelines

The purpose of these grant application guidelines is to provide eligible municipalities, counties and state entities the information they need to apply for a grant under the Off-Site Compensatory Reforestation component of the No Net Loss (NNL) Program.

B. Background

No Net Loss (NNL) provisions were originally enacted into state law at P.L. 1993, c.106 (C. 13: 1L-14.2) in 1993 and further amended in 2001. (The NNL law is included in this application package as Appendix A.) The NNL provisions apply in situations where the actions of a State entity will result in the deforestation of lands, one half acre in size or greater, that are owned or maintained by that State entity or another State entity. Such deforestation can result when a State entity undertakes a project, such as widening a road or building a new facility.

The NNL law requires the State entity causing the deforestation to be responsible for compensatory reforestation. The New Jersey Department of Environmental Protection's Division of Parks and Forestry (DPF) oversees this compensatory reforestation through the New Jersey Forest Service's NNL Program.

If the State entity cannot accomplish the required compensatory reforestation on its project site, the NNL law allows the State entity to discharge its responsibility by paying monies for off-site reforestation into the State's "Treasure Our Trees License Plate Fund," provided that the State entity and the DPF mutually agree to this in a "Memorandum of Agreement" (MOA). In such cases, the New Jersey Forest Service shall, with the advice of the New Jersey Community Forestry Council and the approval of the DPF Director, see that the monies are used for compensatory reforestation, in accordance with the NNL law.

The New Jersey Forest Service intends to disburse the monies paid by State entities for off-site compensatory reforestation as NNL Off-site Reforestation Grants. Until these monies are used for reforestation



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they will be held, pursuant to NNL law, in the New Jersey Department of Environmental Protection's "Treasure Our Trees License Plate Fund."

C. Amount of Funding Available

The monies available for NNL Off-site Reforestation Grants are from funds paid by State entities responsible for more than a half acre of deforestation into the "Treasure Our Trees License Plate Fund."

The amount of monies that a State entity must pay for compensatory off-site reforestation is established on a project-by-project basis by the State entity and the DPF. This amount is based on the size and quantity of trees mandated to be replanted and a pre-determined wholesale cost of those trees.

The area of land to be deforested and a forest maturity classification is determined either during a site visitation by the New Jersey Forest Service and the responsible State entity or through the plan review. Generally, the forests slated for deforestation are classified as established and the reforestation obligation is to replant an equivalent area with balled and burlapped trees with a caliper of 2.0 to 2.5 inches.

The determination of the amount of monies to be paid uses a Tree Replacement Factor (TRF) established in the NNL law. This factor represents the number of new trees that must be planted on an acre of land for that acre to be considered reforested. Accepted forestry research and practices have shown that the average tree density of forested lands within urban areas is 204 trees per acre of tree cover. The NNL law has used this information to establish a TRF of 204 for established forested areas.¹

The determination of the amount of monies to be paid also relies on costs per tree set by the New Jersey Forest Service. These costs are based on average installed costs of nursery-grown trees from wholesale nurseries within New Jersey or in states surrounding New Jersey. For the present the New Jersey Forest Service has established \$300 as the standard cost for a balled and burlapped tree with a caliper of 2.0 to 2.5 inches.²

¹An established forest area is one that has predominately trees with a dbh great than 4 inches. The NNL law also establishes a TRF of 408 for emerging forest that is predominately young trees having a dbh of 4 inches or less; and a TRF of 1210 for seedling forest that is predominately regenerating forest at the seedling stage.

² Likewise the New Jersey Forest Service has established \$83 as the standard cost for container trees or whips; and \$0.80 as the standard cost for seedlings.



Using this TRF and cost per tree, the monies to be paid by a State entity responsible for more than a half acre of deforestation is calculated using the following two equations:

Equation 1:

$$T_R = A_D * TRF$$

Where:

T_R is the total number of trees (B&B trees with a caliper of 2.0 to 2.5 inches) to be replanted;

A_D is the number of acres of land deforested of trees of the corresponding size; and

TRF is the Tree Replacement Factor.

Equation 2:

$$M = T_R * C$$

Where:

M is the amount of monies, in dollars, that the State entity responsible for deforestation must pay for deposit into the “Treasure Our Trees License Plate Fund” for use for reforestation;

T_R is the total number of trees to be replanted, as calculated using Equation 1 above; and

C is the standard cost per tree (\$300).

D. Program Goals

It is the mission of the New Jersey Forest Service to practice and promote sound stewardship and conservation of public, private and community forest lands, to monitor and nurture forest health, to assist municipalities with the development of their tree resources and to achieve forest related economic, environmental and social benefits for current and future generations.

The specific goal of the No Net Loss (NNL) Program is to prevent the loss of forest lands in New Jersey due to the actions of State entities. Consistent with its broad mission the New Jersey Forest Service seeks to administer the NNL Off-Site Reforestation Program in a manner that not only prevents the loss of forest lands but also promotes sound stewardship and conservation and assists municipalities with the development of their tree resources.



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Section II

Grant Application Process

A. Determination of Eligibility

The NNL law assigns first priority to conducting off-site reforestation on “State property within the municipality in which the deforestation occurred or municipal property within the municipality in which the deforestation occurred.” Accordingly the first priority for grant monies is within the affected municipality.

The New Jersey Forest Service offers first opportunity to apply for a NNL Off-site Reforestation Grant as follows:

- i. If the deforestation occurred on State lands, the New Jersey Forest Service gives the first opportunity to the impacted State entity for reforestation on lands the impacted State entity owns or administers within the affected municipality;
- ii. Otherwise, in accordance with its mission of assisting municipalities with the development of their tree resources, the New Jersey Forest Service gives the first opportunity to the affected municipality. Municipal property eligible for tree planting includes property owned or maintained by that community including but not limited to parks, streets, schools, municipal facilities, and open space and recreation areas.

If the impacted State entity declines a first-offer of the opportunity to apply (or does not within a reasonable period meet the application requirements), the New Jersey Forest Service will next offer the opportunity to apply to the municipality where the deforestation occurred. Likewise, if the municipality declines a first-offer of the opportunity to apply for a grant (or does not within a reasonable period meet the application requirements), the New Jersey Forest Service will next offer the opportunity to apply to State entities that own or maintain lands in the municipality where the deforestation occurred. If, after extending these offers, the New Jersey Forest Service finds that it is not feasible to award a NNL Off-site Reforestation Grant for reforestation



within the affected municipality, either to the municipality or a State entity, it will then offer the opportunity to apply to other eligible parties, in accordance with the priority hierarchy set forth in the NNL law.

The NNL law assigns the next priority for off-site reforestation to property owned or maintained by the State, county or other municipal entity within five miles of the site where the deforestation occurred. Accordingly second priority is given to awarding grants for off-site compensatory reforestation within five miles of the site where the deforestation occurred.

In implementing this next priority level, in accordance with its mission of assisting municipalities with the development of their tree resources, the New Jersey Forest Service offers the first opportunity to apply to any municipality that may be able to offer a site for the reforestation on municipal property located within five miles of the deforestation. If the eligible municipality(ies) decline the opportunity to apply (or do not within a reasonable period meet the application requirements), the New Jersey Forest Service will next offer the opportunity to apply to the county for reforestation on property that is owned or maintained by the county and is within five miles of the location of the original deforestation; and to any State entity that may be able to offer a site for reforestation on property it owns or maintains that is located within five miles of the deforestation.

After extending these offers, if the New Jersey Forest Service finds that none of these alternatives prove feasible or practicable, then the New Jersey Forest Service will move on to the final alternative established under the NNL law: reforestation off-site on other State lands. In such case the New Jersey Forest Service will use the monies to carry out off-site compensatory reforestation on lands elsewhere in the State that are administered by the Division of Parks and Forestry (DPF).

B. Notice of Eligibility

When the New Jersey Forest Service determines that a municipality is eligible to apply for a No Net Loss (NNL) Off-site Reforestation Grant, the municipality is notified of the grant opportunity by letter. The letter will inform the municipality of the maximum grant amount and indicate that representatives of the New Jersey Forest Service are willing to meet with municipal representatives to discuss the grant opportunity and address questions.



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For a municipality to qualify to receive a NNL Off-site Reforestation Grant, the New Jersey Forest Service requires that the municipality have, or be willing to commit to developing and implementing, an approved Community Forestry Management Plan (CFMP). Participation in the CFMP planning process will help the municipality have the knowledge and resources it needs as it develops a plan for the compensatory reforestation that both meets NNL standards and addresses community needs. It will ensure that municipal representatives have training in how to provide for the maintenance that the new trees will need to survive. A CFMP will provide the municipality the background and knowledge necessary to make sound use of the compensatory reforestation grant monies.

If a municipality is eligible to apply for a NNL Off-site Reforestation Grant, but does not have a CFMP or needs to renew their CFMP, the New Jersey Forest Service will provide the municipality with a Green Communities Grant. Green Communities Grants provide municipalities with up to \$3,000 to hire qualified consultants to help them develop and write community forestry management plans.

C. Expression of Interest

The New Jersey Forest Service asks that the mayor or other official representative of the municipality respond in writing within 30 days, indicating if the municipality is interested in pursuing the grant opportunity. In a letter expressing interest in applying, the municipality should also indicate its CFMP status (approved CFMP in effect or no approved CFMP).

If 30 days is not sufficient time for the municipality to consider this offer, the municipality may request additional time for its deliberations. However, if 90 days have passed and the municipality has not responded to the grant offer, the New Jersey Forest Service will presume the municipality is not interested.

The New Jersey Forest Service will withdraw its offer to the municipality to apply for the NNL Off-site Reforestation Grant if:

- i. The municipality conveys that it is not interested in pursuing the grant opportunity;
- ii. The municipality does not have an approved CFMP in effect and is not willing to commit to developing and implementing a CFMP; or



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iii. Ninety day have passed with no response from the municipality.

The New Jersey Forest Service will then offer the grant opportunity to the next eligible entity (ies), in accordance with the priorities established in the NNL law and with DPF policies.

D. Response to Municipality's Expression of Interest

If a municipality responds, in a letter signed by the mayor or other official representative of the municipality, that it is interested in applying for a No Net Loss Off-site Reforestation Grant, the Division of Parks and Forestry will reply in writing.

If the municipality is the only municipality that qualifies to apply for the funding, the DPF's response letter will be a letter of provisional award. The provisional award letter will state that, on the condition that the municipality meets all the application requirements and that the municipality agrees to develop, renew and implement its Community Forestry Management Plan (CFMP), the DPF is awarding the grant to the municipality.

If more than one municipality qualifies to apply for the funding, the response letter will constitute an acknowledgement of the municipality's intent to apply. The letter will inform the applicant municipalities the procedure by which Division of Parks and Forestry (DPF) will reach a determination as to how to award the funding. The determination will be made in accordance with the applicable procedures set forth in [Section V](#). below.

E. Application Deadline

In its response to a letter from a municipality indicating interest in applying for a No Net Loss (NNL) Off-site Reforestation Grant, the Division of Parks and Forestry (DPF) will set forth the timeframe in which all application requirements must be met (usually within 180 days). It is the responsibility of the municipality to submit a complete application by the deadline established by the DPF. Failure to meet the program timeframes are grounds to rescind the grant offer and to award the grant monies to the next eligible entity under the established priority criteria.



Section III

Application Evaluation

A. Initial Review

A municipality must meet the following two pre-qualifying criteria:

- The grant application must be complete and the required number of copies must be included; and
- The municipality must have a Community Forestry Management Plan (CFMP) that is approved by the New Jersey Forest Service and is being implemented in good faith by the municipality; or (if the municipality has never had a CFMP) must have made a commitment in writing to develop and implement a CFMP; or (if the municipality's CFMP has expired or will soon expire) must have made a commitment in writing to renew and continue to implement its CFMP.

If these two pre-qualifying criteria are met, the New Jersey Forest Service staff will proceed to evaluate the submitted grant application. If the staff finds deficiencies or conflicts with accepted horticultural standards or urban forestry practices, it will return the application to the municipality for revision and re-submission.

B. Approval Criteria

The New Jersey Forest Service will not approve a No Net Loss (NNL) Off-site Reforestation Grant application for funding unless it meets the following approval criteria:

- The project's timeline must indicate that the project will be completed in no more than three fiscal years (July to June) and the timeframes proposed must be reasonable.
- The proposed comprehensive planting plan must be appropriate for accomplishing the project.
- Appropriate area(s) must be selected as reforestations site(s); and these proposed area(s) must be clearly depicted in the maps and photographs submitted. A site nearer the area of deforestation is preferable when feasible.
- The landscape drawings or blueprints must provide a clear representation of the proposed reforestation project.



- The tree species to be planted must be appropriate for the selected reforestation site and for their proposed planting locations.
- The long-term maintenance plan set forth in the Comprehensive Planting Plan must include an appropriate and complete maintenance schedule which is adequate to promote the establishment of the trees.
- The personnel proposed to be utilized to do the planting and the maintenance of the new trees must be qualified to do the work properly.

C. New Jersey Community Forestry Council Review

Once the New Jersey Forest Service staff is satisfied that an application meets the above-listed minimum approval criteria, the staff will forward the application to the New Jersey Forestry Council for review.

The Council may offer recommendations for the consideration of the New Jersey Forest Service and/or the municipality submitting the application; and advise as to whether, in its judgement, the application should be approved. If a municipality revises its application as a result of the recommendations of the Council or the NJFS, the NJFS program manager will approve the plan after review of the modifications.

D. Procedures for Final Award

If an applicant municipality is the only municipality that is eligible and has submitted an application which has been found to meet the approval criteria, the NJFS will award the NNL Reforestation Grant to the municipality.

If more than one municipality is eligible and have qualified to apply for the grant and have timely submitted applications which have been found to meet the approval criteria, the New Jersey Forest Service will fund the municipalities according to the percentage of deforestation that was done within each municipality's borders.

