Upcoming Updates to NJ Forestry and Wetlands BMP Manual

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Why Update/Revise?

• Update recommendations based on best available science
• Make language more consistent (Montreal, Certification, Other States)
• Clarify points for application of regulations
• Improve organization of document
Latest Available Science

• The good news...
• Most of the engineering behind original BMP’s is still sound
Consistency

- Montreal Process
- Forest Action Plan
- Other States
Regulatory

- Overall two laws guide our ability to conduct forestry in wetlands or flood hazard areas
- **FWWPA – 7.7A-2.8(b)4**
  
  Activities *exempted* from permit and/or waiver requirement.

  4. The normal harvesting of forest products, including the clear cutting of a non-cultivated, wooded wetland area, must be part of a forest management plan that addresses wetlands, and that is reviewed and approved by the State Forester before the activities are undertaken. A woodland management plan prepared for tax purposes but that does not address wetlands is insufficient to qualify for the exemption;
FHACA 7:13-7.26 (updated in 2016 to include the 2008 and 2009 memos)

Permit-by-rule 26—forest management activities

(a) Permit-by-rule 26 authorizes the forest management activities identified at (b) below, provided they are conducted in accordance with a forest management plan that has been approved by the New Jersey State Forester or designee before the activities are undertaken. Information and guidance related to forest management activities in flood hazard areas and riparian zones are provided 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.

(b) This permit-by-rule authorizes the following forest management activities, provided the conditions at N.J.A.C. 7:13-6.7 are met:

1. Silvicultural prescriptions, including planting trees and other vegetation, provided no grading or changes in topography occur in a fluvial flood hazard area;

2. Harvest of trees and other vegetation cultivated as forest products, provided:
   i. Any clearing, cutting, and/or removal of riparian zone vegetation is limited to the area specified in the forest management plan; and
   ii. Regeneration of the harvested area with vegetation, which is determined by the State Forester to be of equal or greater ecological function and value as the vegetation that was cleared, cut, and/or removed, is accomplished through replanting, natural regeneration, or a combination thereof;

3. Construction and maintenance of a fence to exclude deer and/or control other unwanted intrusions, provided:
   i. The fence is not constructed within any channel; and
   ii. Any fence located in a floodway has sufficiently large openings so as not to catch debris during a flood and thereby obstruct floodwaters, such as a barbed-wire, split-rail, or strand fence. A fence with little or no open area, such as a chain link, lattice, or picket fence, does not meet this requirement; and

4. Construction and maintenance of a temporary forest road, provided:
   i. The sole purpose of the road is to support or provide access for forestry activities;
   ii. The road is no greater than 14 feet wide;
   iii. No grading or changes in topography occur in a fluvial flood hazard area, except where unavoidable to accommodate the installation of a crossing of a regulated water. In such a case, grading and changes in topography shall be the minimum necessary to install the crossing;
   iv. Any clearing, cutting, and/or removal of riparian zone vegetation and disturbance to channels is kept to the minimum necessary to successfully implement the project;
   v. Temporary mats are used where feasible to minimize potential erosion and adverse impacts to riparian zone vegetation; and
vi. Any crossing of a regulated water is:

1. Located as far downstream of the upstream property boundary of the site as feasible;
2. Designed to not increase the frequency or depth of offsite flooding during any flood event described in N.J.A.C. 7:13-12.1(i); and
3. Accomplished through the placement of a temporary span across the channel in a stable location, without disturbance to the channel. Where placement of a temporary span is not feasible, the placement of one or more pre-case culverts in channel, without permanent footings or abutments is acceptable. In such a case, stable material may be placed above the culvert to establish a level roadway surface, but the roadway shall not be paved; and

vii. The road is removed and all disturbed areas are restored to their pre-construction condition within six months of the construction of the roadway, or within 30 days of either of the following, whichever occurs first:

1. The land use of the site being accessed by the road changes from forestry to another use; or
2. The Department determines that the management activity at the site is not in compliance with the approved forest management plan.
3. The removal of tree stumps is not authorized under this permit-by-rule.

(d) No clear-cutting of trees shall be undertaken in a riparian zone unless it is unavoidably necessary as part of a silviculture prescription for:


2. Regeneration, where either of the following conditions creates the need for salvage and regrowth of trees and other vegetation, and the site would likely not naturally reestablish a healthy native ecosystem and therefore requires human intervention for proper and timely regeneration:
   i. A forest stand is in decline or fragmenting; or
   ii. Trees and other vegetation have been damaged by wildfire, storms, flooding, beaver activity, or other damage-causing factors; or

3. Sanitation, suppression, or salvage, where trees have experienced insect damage, disease outbreaks and/or death from drought or other conditions. This includes a situation where immediate suppression is necessary to remove the infested and/or infected host species, as well as the trees and vegetation in a surrounding buffer area, to prevent the adverse spread of the damage causing agent and reduce the corresponding potential future mortality in adjacent forest.
How to determine if wetlands or flood hazard areas/riparian zones are on the property?
Sound BMP’s

Make life easier for all!
More OPRA/DLUR Requests

Protect the integrity of forestry as a profession!
Initial Possible Changes

• Improve document organization
• Update visuals and graphics
• Update planning section
• Update language to be consistent with current laws
  – Replacing SMZ with RZ?
• Sections to clarify/expand various technical aspects
Updated Figures/Visuals

Photo 1: Water Bar

30° minimum angle downgrade for drainage

30°
Expanding Technical Aspects

Permanent Road Closure - Abandonment
Closed roads that will not be regularly maintained should be left in a self-maintaining condition. This may mean adding additional drain dips, water bars or other drainage structures. Culverts left in place can be flood proofed by installing a dip across the road beside the culvert which allows flow over the road should the culvert inlet plug with sediment or debris. In some cases when the road will not be needed in the foreseeable future the culverts can be pulled and stockpiled for reinstallation at a later date. Where roads are unneeded, obliteration and recontouring of the hillside can be done.

BMP: Leave abandoned roads in a condition that provides adequate drainage without further maintenance. Close these roads to traffic; reseed and/or scarify; and, if necessary, recontour and provide water bars or drain dips.

Removing culverts can prevent erosion problems, and water bars may be a solution. Space water bars more closely in areas likely to erode. Cut and fill slopes may need to be extended to a more natural grade.

It may be necessary to rip or decompt both the road subgrade and its surfacing material before seeding can be successful. Attaching a sub-soiler can improve decomptaction results.

It is necessary to restore all drainage features to approximate their original condition. This includes reseeding both the road surface and cut and fill slopes.

Bridges present special road closure problems. Unless there are regular inspections of bridge abutments and other structural components, it may be best to remove the bridge structures.
Outside Inputs

• BMP’s don’t exist in a vacuum
• Other regulatory agencies are involved
• We want forestry community involvement!
Other Considerations

- Forestry is under increased scrutiny.
- Sound BMP’s make practicing under existing laws easier for all!
- Clear explanations of proper practices make forestry as a profession look good!
Forestry Community Inputs

• We will be meeting with the forestry community as the process develops.
Questions?