



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. ENH 00273-21

AGENCY DKT. NO. N/A

RONALD FARR,

Petitioner,

v.

**NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION,
DIVISION OF PARKS AND FORESTRY,**

Respondent.

Ronald Farr, pro se

Candice McLaughlin, Deputy Attorney General, for respondent (Matthew J. Platkin, Attorney General of New Jersey, attorney)

Record Closed: March 29, 2024

Decided: May 16, 2024

STATEMENT OF THE CASE

Petitioner, Ronald Farr (petitioner or Farr), contests respondent's, New Jersey Department of Environmental Protection, Division of Parks and Forestry's (respondent or DEP) decision made on October 2, 2019, to remove petitioner from the List of Approved Foresters for one year, under N.J.A.C. 7:3-3.7(a)(4), (5) and N.J.A.C. 7:3-3.9.

PROCEDURAL HISTORY

On October 2, 2019, the DEP notified Farr of its decision to remove him from the Approved Foresters List for a period of one year, pursuant to N.J.A.C. 7:3-3.7(a)5, at which point he may re-apply for inclusion on the List. The DEP alleges that between 2012 and 2019, Farr submitted at least 41 Woodland Data Forms (WD-1 Forms) for properties that did not have Woodland Management Plans approved by DEP, without first satisfying the requirements of N.J.A.C. 7:3-3(b). Specifically, N.J.A.C. 7:3-3(b)1 and 4.

The DEP included the following table containing a listing of alleged violations to properties in the October 2 2019 notice to Farr (R-2):

Table 1. (Insufficiency)

Property	Block and Lot	Town	County	Years Certified WD-1 w/o Approved WMP	WMP Approved	WMP Not Still Approved
Montana		Wantage	Sussex	2016,2017	9/14/2017	
Illiev		Randolph	Morris	2015,2016,2017	7/9/2018	
Schwert		Dennis	Cape May	2014,2015,2016,2017	8/6/2018	
Casey's Friends Sanctuary (now Restore Native Plants)		West Milford	Passaic	2016,2017,2018	11/8/2018	
Morris Nature Wildlife Refuge (now Restore Native Plants)		West Milford	Passaic	2016,2017,2018	12/31/2018	
Eagle's Nest		Wanaque	Passaic	2016,2017,2018		Not approved & filing WD-1 certified
Deer Ledge		Oakland	Bergen	2016,2017		Not approved & filing WD-1 certified
Cantrell		Upper Pittsgrove	Salem	2012,2013,2014,2015, 2016, 2017 (no filing 2018), 2019 before approval	8/15/2019	
Sylvan		Hopewell	Mercer	2014,2015,2016,2017, 2018		WMP Not DEP Approved & WD-1 certified
Quelch		Barnegat	Ocean	2013,2014, 2015,2016, 2017,2018,2019		WMP Not DEP Approved & WD-1 certified

The DEP seeks to remove Farr from the list because of Approved Foresters, because it alleges Farr (1) repeatedly certified Woodland Data Forms for properties that did not have a Forest Stewardship Plan or Woodland Management Plan approved by DEP or were not being managed in conformance with the plan, and (2) in doing so failed to observe recognized professional standards and practices.

Farr timely challenged the DEP's decision of removal and requested a hearing in the Office of Administrative Law (OAL). On December 24, 2020, this matter was filed with the OAL as a contested matter. Several status conferences were held, and on March 9, 2022, a remote zoom hearing was held. In the hearing the following individuals testified: Farr, Jon Klischies, Supervising Forester and Michael Hart, Regional Forester. By consent, DEP documents R-1 through R-30 and R-37 through R-62 were admitted in evidence. The DEP consented to Farr's entry of selected portions of the St. Paul's Abbey Forest Stewardship Plan, which is also in evidence in its entirety as R-59, and DEP Forest Stewardship guidance.

At the conclusion of the hearing, the parties were allowed an opportunity to file post-hearing written submissions, which were filed on or about April 26, 2022. The record remained open until March 29, 2024, to allow for the review of voluminous documents admitted as exhibits, and post hearing summations.

Issue to be Resolved

Did petitioner fail to comply with the provisions of N.J.A.C. 7:3-3.3.(b) between 2012 and 2019, as alleged by the respondent in its Notice of Removal dated October 19, 2019?

FINDINGS OF FACT

The following **FACTS** are derived from the testimony of witnesses and the exhibits submitted in evidence.

Testimony

Farr did not call any witnesses and testified in his case. The DEP called the following individuals to testify herein: Supervising Forester Jon Klischies, and Michael Hart, Regional Forester. Below is a summary of their testimony and my findings:

Jon Klischies

Jon Klischies (Klischies) testified as to the requirements of an Approved Forester for submission of WD-1 Forms to the DEP for properties having approved plans. Klischies testified that approved foresters draft Woodland Management Plans and Forest Stewardship Plans for landowners and sign the WD-1 Forms certifying that DEP has approved a plan for that property and that the landowner is following the plan.

Klischies stated that in August 2017, he signed off on a Notice of Removal of Farr (R1) for eight (8) properties that Farr had submitted WD-1 Forms that were not in compliance. Klischies testified that after Farr received the letter, he and Farr spoke by telephone concerning the alleged violations, and that Klischies “pulled” the August 2017 Notice of Removal, as he understood that Farr would correct the cited deficiencies.

Klischies stated that in June 2018 he met with Farr personally to discuss his continued alleged violations cited in the August 2017 Notice of Removal, along with additional properties that Farr had submitted non-conforming WD-1 Forms. Klischies stated that it was the DEP’s intention to provide Farr with an opportunity to voluntarily bring his practices into compliance. Klischies testified that subsequent to the June 2018 meeting, Farr continued submitting WD-1 Forms for properties without approved Plans.

Klischies stated that Farr did not correct his practice following the June 2018 meeting, and therefore he then issued the October 2, 2019, Notice of Removal to Farr, (R2), this time containing at least 41 Woodland Data Forms (WD-1 Forms) for properties that Farr had signed off that did not have Woodland Management Plans approved by DEP.

Klischies testified about mistakes Farr made with regard to five private properties for which Farr acted as the Approved Forester: the Cantrell property, the Quelch property, the Schwert property the Sylvan property, and the Newkirk property.

As to the property owned by Cheryl Cantrell (Cantrell), located at 94 Harding Highway, Newfield, NJ 08344 (R3) (Cantrell property), Klischies testified that in 2012, Farr submitted a draft Forest Stewardship Plan for the Cantrell property owner. Klischies testified that the DEP had several concerns about the Forest Stewardship Plan for the Cantrell property, and on March 20, 2012, the DEP notified Cantrell and Farr that the proposed plan was not approved based on those deficiencies (R4; R5). Klischies stated that despite the DEP concerns, Farr submitted Woodland Data Forms (WD-1 Forms or WD-1) for the Cantrell property in 2012, 2013, 2014, 2016, and 2017, certifying the same: "I have reviewed this Woodland Data Form, and the landowner is in compliance with the provisions of the filed Woodland Management Plan. I hereby attest that the forest management practices as cited on this form have been completed." (R6; R8; R10; R12; R14).

Klischies testified that following each WD-1 Form that Farr submitted annually for the Cantrell property, the DEP issued an Insufficiency Notice explaining that the WD-1 Form for that tax year was insufficient because the DEP could not approve the Forest Stewardship Plan until the deficiencies explained in the March 20, 2012 letter had been resolved. (R7; R9; R11; R13; R15). Klischies explained that the DEP eventually approved a Forest Stewardship Plan for the Cantrell property in 2019 once the deficiencies had been addressed, however, Cantrell was unable to receive a farmland property tax assessment between 2012 and 2018 because Farr did not remedy the outstanding issues raised in March 20, 2012, by submitting a revised Plan.

Regarding the property owned by Richard Quelch and Chrsitya Quelch (Quelch), located at 151 Route 72 E., Barnegat, NJ 08005, (Quelch property), Klischies testified about a similar pattern by Farr. Klischies stated that Farr first submitted a draft Forest Stewardship Plan to DEP for approval in September 2014. (R17). Klischies stated that the DEP notified Farr and the Quelch's that the Plan needed multiple revisions required by the Pinelands Commission before the DEP could approve the same. (R18; R19).

Klischies testified that Farr did not address the deficiencies, but instead, submitted WD-1 Forms every year between 2013 and 2019 for the Quelch property even though it did not have an approved Plan. (R20). Klischies testified that the DEP sent out Insufficiency Letters each year, explaining that the property could not qualify for farmland property tax assessment because the Plan had not been approved. (R21).

As to the property owned by Matthew Schwert (Schwert), located at 196 Long Swamp Road, Dennis, NJ 08201 (Schwert property), Klischies testified that Farr submitted annual WD-1 Forms between 2014 and 2018 (R25), rather than fix the deficiencies that the DEP identified in the Schwert Forest Stewardship Plan. (R22; R26).

As to the property owned by Rebecca Sylvan (Sylvan), located at 300 Hopewell Amwell Road., Hopewell, NJ 08525, (Sylvan property), Klischies testified that the DEP did not approve the Forest Management Plan that Farr submitted because of five deficiencies within the Plan. (R27; R28). Klischies provided that Farr did not address the deficiencies and submitted WD-1 Forms annually between 2014 and 2018 anyway. (R29; 30).

As to the property owned by Douglas Newkirk (Newkirk) located in Upper Pittsgrove Township, New Jersey (Newkirk property), Klischies explained that the Forest Stewardship Plan for the property submitted by Farr, did not allow for a commercial timber harvest to occur. (R37). Klischies testified that the WD-1 Form that Farr submitted for the Newkirk Property on July 3, 2017 disclosed that a commercial timber harvest of 10,000 board feet of timber sold for \$5,000 had occurred on the property (R38). Klischies further testified that Farr's signature on the WD-1 Form certified that "the above reported activities and practices reported are those specific for the pre-tax year in the filed plan and are being carried out in compliance with the plan, and that the information provided on this form is true and correct." (R38). Klischies stated that an inspection by DEP confirmed an unauthorized timber harvest had occurred on the Newkirk property in the prior year, and the harvest had occurred in wetlands, which was not allowed by the Forest Stewardship Plan (R39; R40; R41).

Michael Hart

Michael Hart (Hart) testified about mistakes Farr made with regard to seven (7) private properties for which Farr acted as the Approved Forester. These properties were: the Deer Ledge property (R42-R44), the Restore Native Plants/formerly Casey's Friends property (R45-R47), the Eagle's Nest property (R48-R50), the Illiev property (R51-R53), the Restore Native Plants/former Morris Nature Wildlife Refuge property (R54-R56), the Montana property (R57-R58), and the St. Paul's Abbey property (R59-R62).

Hart testified that each of these properties, Farr engaged in the same pattern of conduct, submitting Forest Stewardship Plans to the DEP on behalf of property owners, failing to correct deficiencies in the Plans he submitted, and submitting executed WD-1 Forms attesting that the properties qualify for farmland property tax assessment. Hart testified that as to the St. Paul's Abbey property located at Route 206 and Stickle Pond Road, Andover Township, NJ (St. Paul's Abby property), similar to the Newkirk property, an unauthorized timber harvest occurred in wetlands and for which no timber harvest activity was authorized by the Forest Management Plan (R62).

I **FIND** the testimony of Klischies and Hart to be credible concerning the requirements of Approved Forrester for submission of WD-1 Forms to the DEP for properties having approved Plans. I **FIND** that Klischies and Hart testified to the deficiencies that Farr did not resolve as alleged in the October 2, 2019 DEP notice, and I therefore **FIND** the said deficiencies concerning the properties listed in the October 2019 Notice of Removal as **FACT** herein.

I **FIND** Klischies testimony credible and as **FACT** herein, that he spoke with Farr in August 2017, and then met with him in June 2018, concerning Farr's alleged violations in certifying Woodland Data Forms for properties not having an approved forest stewardship plan or woodland management plan, and that the management of the property is in conformance with the plan.

As to the alleged violations of properties contained in the October 2, 2019 notice, I **FIND** that Klischies and Hart's testimony discloses that the alleged violations regarding the following properties occurred subsequent to December 18, 2017: Quelch (R17-R21);

Schwert (R22-R26); Sylvan (R27-R30); Newkirk (R37-R41); RNP/Casey's Friends (R45-R47), and St. Paul's Abbey (R59-R62).

As to the alleged violations of properties contained in the October 2, 2019 notice, I **FIND** that Klischies and Hart's testimony reveals that the alleged violations regarding the following properties occurred prior to December 18, 2017; Cantrell (R3-R150); Deer Ledge R42-R44); Eagle's Nest R48-R50); Illiev (R51-R53); NRP/Morris NWR (R54-R56), and Montana (R57-R62).

Ronald Farr

Farr is on the Approved Foresters List since 2002 and works with landowners to develop Woodland Management Plans for DEP approval, oversees the landowner's implementation of the plan, and annually certifies on official tax forms that the land is subject to an approved Plan and that the landowner is abiding by the Plan.

Farr testified that N.J.A.C. 7:3-3.3(b) was substantially changed when it was repealed and replaced effective December 18, 2017. He further stated that the DEP's letter of August 9, 2017 (R1), cites N.J.A.C. 7:3-3.5, referring to removal from the Approved Foresters List when there were no criteria for removal in 2017. Farr testified that any violations contained in the DEP notice of October 2, 2019 (R2), should be limited to violations that occurred after December 18, 2017, and any violations that occurred between 2012 and December 18, 2017 should be dismissed (R4, R6 to R16, R19, R22, R25, R26, R28 to R30, R43, R44, 46, R47, R49, R50, R52, R-53, R55, R56, and R58.)

Farr then testified that the Montana property should be dismissed (R57, R58), as the information submitted in the DEP's evidence shows that they are "in compliance". Farr further stated that the St. Paul's Abbey property (R60-R62) should be dismissed as the plan called for a timber harvest (P1 and R60). Farr stated that the harvest was completed, and the DEP issued non-compliance letters incorrectly as there were no findings of wetlands violations.

Farr testified that all the WD-1 Forms he certified and submitted to the DEP affirm that the plans he prepared is being followed, and there is no indication in the required WD-1 Form denoting that the plan must be an “approved plan” requiring the Forrester’s signature. As support of the same, Farr stated that both Klischies and Hart were asked and affirmed that it was “possible” for a Forest Management Plan to be followed whether or not a plan was approved.

Farr testified that the DEP’s non-compliance letters that are cited in the exhibits were not addressed to him or copied to him, and that there is no record of his or his client’s receipt of the same. Farr stated that the testimony of Klischies and Hart affirmed that there was no proof of mailing for every client listed in the DEP witness exhibit. As proof of not having received the non-compliance letters, Farr testified that Klischies and Hart acknowledged they never received calls or responses from him or any of his clients regarding the same.

Farr then provided testimony concerning the properties listed in the DEP notice of October 2, 2019: Cantrell, Quelch, Schwert, Sylvan, Newkirk, Deer Ledge, RNP/Casey’s Friends, Eagle’s Nest, RNP/Morris NWR, Montana, St. Paul’s Abbey, Iliiev, and Sylvan properties. As to these properties, Farr stated that, with the exception of the Sylvan property, the local Tax Assessor did not provide him or the property owners/clients with notification prior to 2019.

I **FIND** Farr’s testimony concerning his interpretation of the requirements that his signing off on a WD-1 Form did not require an “approved plan” to be unavailing as it is contrary to the statutory requirements.

I **FIND** that Farr’s testimony that he was not provided with a copy of the Farmland Assessment Insufficiency Notices at the time of their mailing to the property owners whom he provided services too is also unavailing as the property owners were put on notice of any alleged violations.

I **FIND** that Farr does not dispute that he was served with the October 2, 2019, notice, containing the charges therein. In addition, I **FIND** Farr failed to disclose that he

met with Klischies in June 2018, to discuss his alleged violations concerning submitting the WD-1 Forms for said properties, resulting from his communications with Klischies in August 2017 and June 2018. As such, I **FIND** that Farr was aware during all relevant times herein of the Farmland Assessment Insufficiency Notices that were admitted in evidence, along with the DEP's claimed violations by Farr for said properties between 2012 and at least June 2018.

I **FIND** that Farr provided credible evidence concerning the services he provided to the property owners of Cantrell, Quelch, Schwert, Sylvan, Newkirk, Deer Ledge, RNP/Casey's Friends, Eagle's Nest, RNP/Morris NWR, Montana, St. Paul's Abbey, Illiev, and Sylvan properties. I **FIND** that the services provided by Farr as to the said property owners are **FACT** herein.

LEGAL ANYALYSIS AND CONCLUSIONS

In the absence of any administrative rule or regulation to the contrary, the traditional preponderance of the evidence standard applies to administrative agency matters. In re Polk, 90 N.J. 550, 561, 449 A.2d 7 (1982); Atkinson v. Parsekian, 37 N.J. 143, 149, 179 A.2d 732 (1962). Thus, the DEP has the burden of proof to establish by a preponderance of the credible evidence that Farr violated the provisions of N.J.A.C. 7:3-3.3 and remove him from the list of Approved Foresters pursuant to N.J.A.C. 7:3-3.7(a)5.

The Farmland Assessment Act allows property that is used for the production and sale of forest products, such as timber or firewood, to become eligible for significantly reduced property taxes. N.J.S.A. 54:4-23; N.J.A.C. 18:15-1 et seq. The property owner must first develop a Woodland Management Plan or Forest Stewardship Plan that is approved by DEP. N.J.A.C. 7:3-5.1. The Plan describes the forest resources on the property, including the number of acres, tree species, age of the trees, and it explains how those resources will be managed over a ten (10)-year period. N.J.A.C. 7:3-5.1(i).

In order to receive a property tax reduction, the landowner must submit, among other things, an annual WD-1 Form. The WD-1 Form lets DEP and the local tax assessor know how much forest product was harvested and the income received over the past

year. The WD-1 Form is signed by the landowner and the forester working with the landowner. Under the Forest Stewardship Program, a landowner doesn't have to devote all of the property exclusively for timber farming or meet annual commercial timber sale requirements that would otherwise be required to receive farmland tax assessment under N.J.S.A. 54:4-23.5. N.J.A.C. 7:3-5.1 et seq. Instead, the program recognizes the ecological value of conserving forested property and managing it in a sustainable way, including recognizing the importance of wetlands, species diversity, and soil and water conservation, and therefore the property owner can still apply for the Farmland Tax Assessment every year. The property owner can conduct a timber harvest, but only if the Forest Stewardship Plan explicitly calls for one.

The State Forest Service, which is a subdivision of DEP, oversees the forestry program, including the Woodland Management Program and the Forest Stewardship Program, and it maintains the List of Approved Foresters. N.J.A.C. 7:3-3.2. Approved foresters draft Woodland Management Plans and Forest Stewardship Plans for landowners and sign the WD-1 Forms certifying that DEP has approved a plan for that property and that the landowner is following the plan. N.J.A.C. 7:3-3.3. Approved foresters must meet the educational background, have at least two (2) years of forestry experience, and meet the criteria in N.J.A.C. 7:3-3.2. DEP has discretion over removing people from the List of Approved Foresters for any of the reasons outlined in N.J.A.C. 7:3-3.7.

Relevant to this proceeding, N.J.A.C. 3.7(a)(5) says, "The Department shall remove the name of any individual from the List of Approved Foresters who 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)." N.J.A.C. 7:3-3.3(b) only allows a Forester to certify a Woodland Data form for a property that has a Woodland Management Plan or Forest Stewardship Plan that is approved by DEP, and only if management of the property is in conformance with the plan. N.J.A.C. 7:3-5.1.

On October 2, 2019, the DEP notified Farr of its decision to remove him from the Approved Foresters List for a period of one year, pursuant to N.J.A.C. 7:3-3.7(a)5, at which point he may re-apply for inclusion on the List. The DEP alleges that between 2012 and

2019, Farr submitted at least 41 WD-1 Forms for properties that did not have Woodland Management Plans approved by DEP, without first satisfying the requirements of N.J.A.C. 7:3-3(b). Specifically, N.J.A.C. 7:3-3(b)1 and 4.

The DEP alleges that in June 2018, Klischies met with Farr to discuss his alleged violations and urged him to voluntarily bring his practices into compliance, and that subsequent to the June 2018 meeting, Farr continued submitting WD-1 Forms for properties without approved Plans, including for the same properties that DEP warned him about in the meeting.

N.J.A.C. 7:3-3.3, states as follows:

(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.

I **CONCLUDE** that the DEP has presented proof by a preponderance of the credible evidence that Farr in submitting certified WD-1 Forms for properties that did not have DEP approved Woodland Management Plans and Forest Stewardship Plans, violated N.J.A.C. 7:3-3.3.

I **CONCLUDE** that the record reveals that the DEP's decision to remove Farr is reasonable and within the agency's discretion. N.J.A.C. 7:3-3.7(a)(4) and -3.7(a)(5). I **CONCLUDE** that there is ample evidence in the record that Farr repeatedly submitted WD-1 Forms without satisfying the requirements of N.J.A.C. 7:3-3.3(b), including ensuring that "the owner has a Department-approved forest stewardship plan or woodland management plan that applies to the property and has not expired" and that "the management of the property is in conformance with the plan." N.J.A.C. 7:3-3.3(b)(1) and -3.3(b)(4).

I **CONCLUDE** that Farr's failure to satisfy those requirements warrants his removal from the Approved Foresters List, pursuant to N.J.A.C. 7:3-3.7(a)(5). A discussion as to the properties deemed deficient and in violation of N.J.A.C. 7:3-3.3, that are contained in the Notice of Removal dated October 2, 2019, will follow.

On or about April 17, 2017, the DEP sought to amend, among other regulations, N.J.A.C. 7:3-3.3, and a proposed new rule, N.J.A.C. 7:3-5 (49 N.J.R. 690(a)), which became effective December 18, 2017 (49 N.J.R. 3824(a)). The DEP proposed to add new Forest Stewardship Program rules, N.J.A.C. 7:3-5, and amend the rules governing the List of Approved Foresters, N.J.A.C. 7:3-3. (49 N.J.R. 690(a)).

I **CONCLUDE** that because the DEP substantially amended N.J.A.C. 7:3-3.3, and a proposed a new rule in N.J.A.C. 7:3-5, became effective December 18, 2017, Farr's

argument that any alleged violations that predate December 18, 2017, be dismissed has validity.

I **CONCLUDE** that that since the alleged violations by Farr as to the following properties: Quelch (R17-R21); Schwert (R22-R26); Sylvan (R27-R30); Newkirk (R37-R41); RNP/Casey's Friends (R45-R47), and St. Paul's Abbey (R59-R62), occurred after December 18, 2017, the DEP's alleged violations by Farr of N.J.A.C. 7:3-3.3, concerning said properties is **GRANTED**.

I **CONCLUDE** that since the alleged violations by Farr as to the following properties: Cantrell (R3-R15); Deer Ledge R42-R44); Eagle's Nest R48-R50); Illiev (R51-R53); NRP/Morris NWR (R54-R56), and Montana (R57-R62), occurred prior to December 18, 2017, the effective date of N.J.A.C. 7:3-3.3, and N.J.A.C. 7:3-5, the DEP's alleged violations by Farr as to said properties contained in the Notice of Removal dated October 2, 2019 are **DISMISSED**.

I **CONCLUDE** that because this is the first time Farr will be removed from the Approved Forester's List, removal shall be for a period of one year, as requested by the DEP, and at the conclusion of the same, Farr may be reinstated. N.J.A.C. 7:3-3.8.¹

ORDER

It is **ORDERED** that the DEP's decision contained in the Notice of Removal dated October 2, 2019, to remove Farr from the Approved Foresters List for a period of one year is **AFFIRMED**.

It is **ORDERED** that the DEP's finding in the October 2019, Notice of Removal that Farr violated the provisions of N.J.A.C. 7:3-3.3, shall be limited to the following properties: Quelch, Schwert, Sylvan, Newkirk, RNP/Casey's Friends, and St. Paul's Abbey.

¹ Initially, the DEP requested that in order to minimize the impact on individual property owners who are Farr's clients, Farr's removal begin on September 1, 2022 (the year the hearing was held), after the annual WD-1 Form submission season. He would be eligible to be reinstated to the List after August 31, 2023. I will leave the applicability of the commencement of Farr's removal to the discretion of the DEP.

It is **ORDERED** that at the conclusion of the one year, Farr may be reinstated, pursuant to N.J.A.C. 7:3-3.8.

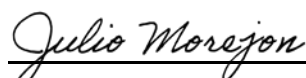
I hereby **FILE** my initial decision with the **COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION** for consideration.

This recommended decision may be adopted, modified or rejected by the **COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION**, who by law is authorized to make a final decision in this matter. If the Commissioner of the Department of Environmental Protection does not adopt, modify or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **DIRECTOR, OFFICE OF LEGAL AFFAIRS, DEPARTMENT OF ENVIRONMENTAL PROTECTION, 401 East State Street, 7th Floor, West Wing, PO Box 402, Trenton, New Jersey 08625-0402**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.

May 16, 2024

DATE



JULIO C. MOREJON, ALJ

Date Received at Agency:

May 16, 2024

Date E-Mailed to Parties:

May 16, 2024

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APPENDIX

Witnesses

For Petitioner Farr:

Ronald Farr

For Respondent DEP:

Jon Klischies, Supervising Forester

Michael Hart, Regional Forester

Exhibits

For Petitioner Farr:

- P-1 Forrest Stewardship Plan
- P-2 Rutgers Management Programs for New Jersey Woodlot Owners
- P-3 Minimum guidelines for NJ State Forest Stewardship Plans 1/18/2018

For Respondent DEP:

- R-1 8/9/2017 DEP Notice of Removal of Farr
- R-2 10/2/2019 DEP Notice of Removal of Farr
- R-3 2012 Forest Stewardship Plan Submitted, Not Approved
- R-4 3/20/2012 FSP Insufficiency Notice
- R-5 6/8/2012 FSP Insufficiency Email from DEP to Farr
- R-6 7/5/2012 Woodland Data Form Submitted
- R-7 8/17/2012 Farmland Assessment Insufficiency Notice
- R-8 7/1/2013 Woodland Data Form Submitted

- R-9 7/31/2013 Farmland Assessment Insufficiency Notice
- R-10 7/25/2014 Woodland Data Form Submitted
- R-11 8/1/2014 Farmland Assessment Insufficiency Notice
- R-12 7/7/2016 Woodland Data Form Submitted
- R-13 7/26/2016 Farmland Assessment Insufficiency Notice
- R-14 7/3/2017 Woodland Data Form Submitted
- R-15 8/3/2017 Farmland Assessment Insufficiency Notice
- R-16 8/3/2017 Emails between DEP and Farr re Insufficiencies
- R-17 2014 Forest Stewardship Plan Submitted, Not Approved
- R-18 11/21/2014 Memo from Pinelands Commission
- R-19 11/25/2017 FSP Insufficiency Notice
- R-20 2013-2019 Woodland Data Forms Submitted
- R-21 2013-2019 Farmland Assessment Insufficiency Notices
- R-22 10/25/2017 FSP Insufficiency Notice
- R-23 10/25/2017 FSP Insufficiency Notice (Duplicate)
- R-24 2018 Forest Stewardship Plan, Approved
- R-25 2014-2018 Woodland Data Forms Submitted
- R-26 2014-2018 Farmland Assessment Insufficiency Notices
- R-27 2013 Forest Stewardship Plan Submitted, Not Approved
- R-28 9/18/2014 FSP Insufficiency Notice
- R-29 2014-2018 Woodland Data Forms Submitted
- R-30 2014-2018 Farmland Assessment Insufficiency Notices
- R-31 2007 Forest Stewardship Plan
- R-32 2010-2016 Woodland Data Forms Submitted
- R-33 6/6/2018 FSP Insufficiency Letter
- R-34 2018-2019 Woodland Data Forms Submitted
- R-35 2018-2019 Farmland Assessment Insufficiency Notices
- R-36 2020 Forest Stewardship Plan
- R-37 2011 Forest Stewardship Plan
- R-38 6/29/2019 Woodland Data Form Submitted
- R-39 7/25/2019 Farmland Assessment Insufficiency Notice
- R-40 8/14/2019 Property Inspection Notice
- R-41 9/9/2019 Property Inspection Notice of Noncompliance

- R-42 2017 Forest Stewardship Plan
- R-43 2016-2017 Woodland Data Forms Submitted
- R-44 2016-2017 Farmland Assessment Insufficiency Notices
- R-45 2018 Forest Stewardship Plan
- R-46 2016-2018 Woodland Data Forms Submitted
- R-47 2017-2018 Farmland Assessment Insufficiency Notices
- R-48 2017 Forest Stewardship Plan
- R-49 2016-2019 Woodland Data Forms Submitted
- R-50 2016-2018 Farmland Assessment Insufficiency Notices
- R-51 2018 Forest Stewardship Plan
- R-52 2015-2018 Woodland Data Forms Submitted
- R-53 2016-2017 Farmland Assessment Insufficiency Notices
- R-54 2018 Forest Stewardship Plan
- R-55 2016-2018 Woodland Data Forms Submitted
- R-56 2016-2017 Farmland Assessment Insufficiency Notices
- R-57 2016 Forest Stewardship Plan
- R-58 2016-2017 Woodland Data Forms Submitted
- R-59 2011 Saint Paul's Abbey Forest Stewardship Plan
- R-60 2016-2019 Woodland Data Forms Submitted
- R-61 2017-2019 Farmland Assessment Insufficiency Notices
- R-62 3/27/2019 Property Inspection Notice of Noncompliance