

Hunterdon County Agriculture Development Board Meeting
Rt 12 County Complex Building 1 Assembly Room
July 8, 2021 @ 8:00 pm

Members in Attendance:

Dave Bond-Chair
Bob Hoffman-Vice Chair
Christian Bench (*via phone*)
Susan Blew
Ted Harwick
Dave Kyle
Forest Locandro
Gerry Lyness
John Perehinys

CADB Staff Present:

Shana Taylor, Esq. County Counsel
Aaron Culton, Esq., Asst County Counsel
Bob Hornby, CADB Administrator
Carrie Fellows, Director, Planning
Katherine Fullerton, Supervising Planner
Kevin Milz (HCSCD)

This meeting was held in person with respect to Public Health guidelines.

Open Public Meeting Act:

Chairman Bond opened the meeting at 8:00 p.m. and read the Open Public Meeting Act:

"This meeting is being held in accordance with the provisions of the Open Public Meeting Act. Adequate notice has been provided by prominently posting and maintaining so posted throughout the year on the first floor of the County Administration Building, Main St., Flemington, New Jersey a public place reserved for such announcements, and by mailing on or before January 15, 2021, to The Hunterdon Democrat, Star Ledger, The Trenton Times, The Courier News and The Express Times newspapers, and TAP Into it newspaper and designated by the Hunterdon County Agriculture Development Board to receive such notices, and by filing with the Hunterdon County Clerk a schedule of the times and dates of such meetings."

Pledge of Allegiance:

Roll Call: Not Present: Marc Phillips, Liz Schmid & Megan Muehlbauer

Approval of Minutes:

- **Minutes of the June 10th CADB Meeting** – John Perehinys made a MOTION to approve, Susan Blew SECONDED. All in favor by Voice Vote. Christian Bench, Dave Kyle, Forest Locandro & Gerry Lyness ABSTAINED.

Communications and Administrative Business:

- **CADB Staff Update** – Bob stated that it has been a good month
 - **Beam farm** (Bethlehem Twp.) – Appraisals are under review at the State Agriculture Development Committee (SADC) to get Certified Market Value (CMV)
 - **Curtis Farm** (Delaware Twp.) – Closed, funded through a Non-Profit Open Space Grant. County holds easement and will be responsible for monitoring.
 - **Thomas Farm** (East Amwell Twp.) – County Planning Incentive Grant (CPIG) Closed May 29th.
 - **Onuschak Farm** (Franklin Twp.) – Closing review at SADC.

- **Magnolia Creek Farm** (Franklin Twp.) – Board of County Commissioners (BOCC) passed the Capital Account Ordinance at the July 6th meeting. Pending account details from Finance prior to BOCC Resolution for Final Cost Share Approval.
- **Grochowicz Farm** (Hampton, Glen Gardner, Bethlehem) – Under final SADC review.
- **DeSapio Farm** (Kingwood Twp.) – Going through review process with Federal Agricultural Land Easement (ALE) funding. Funding expires at the end of August; it was funded under the 2014 farm bill.
- **Kollmer Farm** (Kingwood Twp.) - Going through review process with ALE funding. Funding expires at the end of August. It was funded under the 2014 farm bill.
- **Bowlby Farms** (Raritan Twp.) – County Cooperative Grant with SADC, Closed June 24, 3 separate easements total of 173 acres, 80/20 split with the SADC for funding. State holds the easement.
- With the farms that just closed, it puts Hunterdon County over 35,000 preserved acres. Putting together a press release. Credits a lot of hard work over 36 years.
 - **Saums Farm** (Readington Twp.) – Surveys are done. SADC final was May 27th, working through contracts with Readington Twp. and closing process with the State.
- **Staff Activity**
 - Bob stated he has been working with Hunterdon Land Trust (HLT) on utilizing funding from the 2018 farm bill.
 - Working on crop reimbursement from PSEG. Farmers are starting to get checks now. There were several preserved farms that were crossed.
 - More outreach for new applications.
- **Communications**
 - Bob wrote a letter to SADC on the proposed Soil Protection Standards as requested in June. It is included in the packet. SADC is reviewing all comments and should have a response by September or October.
 - Received an email from New Jersey Conservation Foundation (NJCF) to amend the Agriculture Development Area (ADA) in Tewksbury Twp. Will be discussed later in the meeting.
- **Monitoring Update**
 - Bob stated the monitoring period ended June 30th. As of July 8, only 50 reports of 309 have been received by SADC. Kevin Milz stated that there was a reporting glitch on his end, and he is fixing it. All farms have been monitored in Fiscal 2021.

State Agriculture Development Committee (SADC) Updates:

Dave Clapp spoke on behalf of SADC

- Dave introduced himself, he will be alternating attending CADB meetings with Stefanie Miller. He is from Hunterdon County and is familiar with the area. Stefanie works on the acquisition side; he works on stewardship. Is also working on the Soil Standards. SADC goal is to have something done by September.

Chair Comments:

- Chairman Bond gave an overview of the responsibilities of the CADB. Feels some things brought to their attention are beyond their capabilities.

Old Business:

- **Monitoring Procedure**

- Bob gave an overview of the Monitoring Procedure and that there was never a formal procedure in place to follow. Bob worked with various parties to put a procedure together for the Board to review. Kevin Milz spoke of the monitoring process that he follows now, nothing formal was ever written. Also stated that it is sometimes difficult to contact the current owners. Kevin stated that he hasn't had time to read the draft of the Monitoring Procedure, and that he needed a couple more weeks to review it. Some discussion ensued. John Perehinys made a MOTION to table the Monitoring Procedure until the September CADB meeting. Susan Blew SECONDED. Chairman Bond asked for a voice vote, 8 in FAVOR, 1 OPPOSED.

New Business:

- **New Jersey Conservation Foundation (NJCF) request to amend the Hunterdon Agriculture Development Area (ADA) in Tewksbury Twp. – *Discussion only*.** NJCF contacted Bob about a preservation application in Tewksbury outside of the existing ADA. CADB has the responsibility of defining the ADA, inclusion in the ADA is a prerequisite to preservation. Jay Watson of the NJCF was in attendance, thanked the Board for the work they do and fielded questions from the Board. There was discussion on ADA requirements. Board supported contacting affected landowners and Tewksbury Township for future formal action to consider the change.
- **Resolution 2021-07: Term Program Enrollment – Tewksbury Twp. Block 30 Lot 6.01** – Bob explained that the Term Program used to be called the “8/16-year program”. You enroll your land for a term of 8 or 16 years, but you don't get paid for. It must remain in active agricultural production for that period, in turn you are eligible for Natural Resource Conservation Service (NRCS) Soil Conservation Grants. There is only one active Term enrollment in Hunterdon, in Kingwood Twp. Preservation and Term program are different in that you must mow once a year under the Preservation Restrictive Covenant whereas under Term it must be an active farm. Mr. Ross, the owner of the farm, entertained questions from the Board. Chairman Bond asked for a MOTION, Forest Locandro made a MOTION to approve the Ross Farm for the Term Program, Dave Kyle SECONDED. All in favor by Voice Vote. Motion Carried.

Right To Farm Matters:

- **SSAMP Hearing- Beneduce Vineyards (Alexandria Block 21 Lot 41.31) No testimony will be heard.**
 - Counsel called for a motion to open Public Hearing on Beneduce Vineyard, Bob Hoffman made a MOTION to Open, Susan Blew SECONDED. All in favor Voice Vote
 - Attorneys for both parties were present for any questions that the Board may have. Nicole Voigt gave an overview of Beneduce' stance, then Sharon Dragon gave an overview of Alexandria Township stance. Chairman Bond had comments about the length of time this issue has been going on.
 - Counsel called for a motion to close and carry the Public Hearing until CADB Meeting on September 9, 2021. John Perehinys made a MOTION to close and carry until September 9, 2021. Forest Locandro SECONDED. All in Favor by voice vote.
- **Commercial Farm Certification: Round Valley Ranch, Clinton Twp. Block 16 Lots 70, 71 and 72** – Applicant Joseph Serrani is present. County Counsel Aaron Colton swore in Mr. Serrani.

County Counsel Shana Taylor stated that this is a Commercial Farm Certification, this is the first step for the Board to determine if the applicant would be eligible for a Right to Farm hearing. Aaron stated that Bob has provided a summary of Mr. Serrani's Commercial Farm Certification application. Bob stated that Mr. Serrani submitted his Farmland Assessment forms dated 2018-2021, included firewood and horse sales and grazing in later years. What is reported in each of those year's is in excess of \$2,500.00. Mr. Serrani provided Bill of Sales for two horses sold in 2018, 6 horses sold in 2020 and 1 horse sold in 2021. For the horses sold in 2020 and 2021 he provided canceled checks or some financial trail that matched up with the handwritten receipts. Aaron asked Mr. Serrani if the income materials he provided the board are accurate? Yes, they are. You are owner/operator of Round Valley Ranch? Yes. In documents submitted, they show that the property produced \$2,500.00 in income this year? Yes. And the prior 3 years? Yes. Aaron asked Mr. Serrani to briefly summarize for the Board, the size of the property and what you do on the property. Mr. Serrani stated that the farm is ~72 acres, they breed horses, they have 8 horses now. Sold 3 horses last year and 1 so far this year. Not only to they breed horses, but they also sell them and give lessons and provide training and a little bit of boarding. Is the property located in an Agricultural zone and is permitted? Yes. To the best of your knowledge, you are in compliance with all Federal and State statutes, rules, and regulations? Yes. County Counsel asked Mr. Serrani to explain the sale of the horse he sold this year and received payment via Venmo. Mr. Serrani was then asked to explain the income report from 2020-2021. Mr. Serrani entertained questions from the Board.

- The Board next heard from opposition of this certification. Attorney Steve Gruenberg spoke on behalf of Objector Marilyn Herr. He is questioning the farms right to be certified as a Commercial Farm. Does not think the activities he is showing income for qualify as a Commercial Farm. Has questions on the sale of firewood. Said Mr. Serrani has not proved a Woodlands Management Plan. Bob stated that Mr. Serrani provided evidence of a Woodlands Management Plan in the Farmland Assessment forms but it was not included in the Board packet.
- Mr. Serrani responded to Mr. Gruenberg's concerns. Mr. Serrani then entertained questions from the Board. Counsel Shana Taylor had a question about "Luna", as to whether that was a Lease-to-Own or a Sale. It was a sale. More discussion ensued.
- Forest Locandro made a MOTION to Approve the Commercial Farm Certification, Dave Kyle SECONDED. County Counsel asked for a Roll Call Vote.

ROLL CALL

MOVED

SECONDED

AYES

NAYS

ABSTAIN

ABSENT

David Bond, Chair			X			
Robert Hoffman, Jr., Vice Chair			X			
Susan Blew			X			
Marc Phillips						X
John Perehinys			X			
Dave Kyle			X			
Liz Schmid						X
Ted Harwick			X			

Gerry Lyness			X			
Christian Bench			X			
Forest Locandro			X			

9 IN FAVOR – 2 ABSENT

- Bob asked if anyone wanted to do a site visit, offered to contact any interested parties and arrange a date.

Public Comment:

- Mr. Gruenberg had comments on the RTFA policies and procedures.
- **Patricia Springwell** of Lebanon Twp. had comments to the Board about their responsibility. She also had comments about the Farmland Assessor in Clinton Twp. Thanked the Board for approving the Ross Farm. Feels it's a real farm. Says there are a lot of "fake" farmers.

Adjournment: MOTION to Adjourn made by Gerry Lyness, John Perehinys SECONDED. All in favor, Meeting Adjourned at 10:15PM.

Respectfully submitted,

Bob Hornby, CADB Administrator

Prepared with the assistance of Colleen Runge, Planning Department Clerk

HUNTERDON COUNTY AGRICULTURE DEVELOPMENT BOARD

RESOLUTION 2021-07

TO CREATE A FARMLAND PRESERVATION PROGRAM

WHEREAS, Amelia C. Ross, hereinafter "Owner", is the record owner of Block 30 , Lot 6.01, in Tewksbury Township, Hunterdon County, by deed dated October 9, 2013 and recorded in the Hunterdon County Clerk's office on October 11, 2013 in Deed Book 2319, Page 474, totaling approximately 15.055 acres, hereinafter referred to as the "Premises" (Schedule A); and

WHEREAS, the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32 and N.J.A.C. 2:76-3 et seq. provide for the creation of Farmland Preservation Programs; and

WHEREAS, on June 21, 2021, the Owner submitted a Petition to the Hunterdon County Agriculture Development Board (CADB) for the creation of a Farmland Preservation Program for the Premises; and

WHEREAS, the CADB has reviewed the Petition and accompanying documents to assure compliance with the provisions of N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32 and N.J.A.C. 2:76-3 et seq.;

WHEREAS, the CADB has determined that the Premises qualifies for farmland assessment in accordance with the Farmland Assessment Act of 1964, N.J.S.A. 54:23.1 et seq.; and

WHEREAS, the CADB has determined that the Premises is located within an Agricultural Development Area (ADA); and

WHEREAS, the CADB has determined that the Premises or Owner has satisfied the eligibility criteria as established by the CADB and identified below:

- Land must be actively farmed
- At least 50% of soils must be ranked Prime or Statewide quality
- At least 50% of the property must be tillable; and

WHEREAS, the CADB has determined that the Premises or Owner has satisfied the eligibility criteria as established by the State Agriculture Development Committee (SADC); and

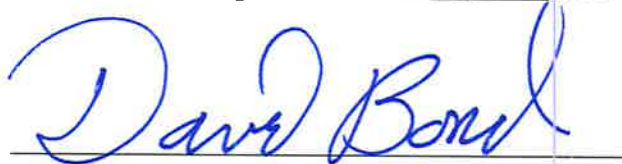
WHEREAS, the CADB hereby verifies that a signed petition, true copy of the deed, tax map, and other appropriate documents for identifying the boundaries of the

Premises, including a legal metes and bounds description of the boundaries of the Premises, have been submitted; and

WHEREAS, the County will verify prior to executing the Farmland Preservation Program Agreement that an Owner of Last Record Search was conducted on the Premises to certify that the Owner is the present recorded owner of the title to the Premises; and

WHEREAS, the CADB has determined the Petition is complete; and

NOW THEREFORE, BE IT RESOLVED that the CADB recommends that proposed Farmland Preservation Program be approved by the Hunterdon Board of County Commissioners. The Owner shall enter into a recordable written Agreement with the CADB in compliance with N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32 and N.J.A.C. 2:76-3. The CADB shall forward the Petition and supporting documents to the Committee for certification of the Farmland Preservation Program in accordance with the provisions of N.J.A.C. 2:76-3.



David Bond, Chairperson

July 8, 2021

Hunterdon County Agriculture Development Board



C-1 Cold Brook
Tributary

**Term Preservation
Ross Farm
60 Homestead Rd.
Tewksbury Twp.
Block 30 Lot 6.01
Highlands Preservation Area**

PALATINE RD

Existing
Driveway

C-1 Cold Brook
Tributary

Prime
Soils

Existing
Structures

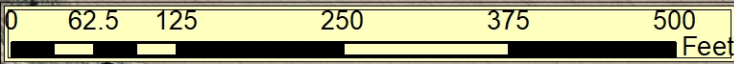
Statewide
Soils

Prime Soils

HOMESTEAD RD

14.7 acres
6.5 acres Prime Soils (44%)
5.0 acres Statewide (34%)
9.9 acres Tillable (67%)

RMH 05/24/21



Hunterdon County Agriculture Development Board

Hunterdon County Administration Building #1
Route 12 County Complex
PO Box 2900
Flemington, New Jersey 08822-2900

June 16, 2021

RE: Soil Protection Standards

Members of the State Agriculture Development Committee:

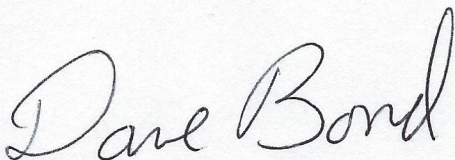
The Hunterdon County Agriculture Development Board (CADB) has a long history of supporting farmland preservation and great interest in the continuation of agriculture as a viable industry in Hunterdon County. Farmland Easements in Hunterdon County cover almost 35,000 acres at a public cost exceeding \$290 million. An additional 1,500 acres are currently in the process of preservation. 28% of the Farm Assessed acreage in Hunterdon County is permanently restricted for agricultural use. The first family farm to be preserved in NJ was in Hunterdon County in 1985.

The CADB appreciates the work done by the State Agriculture Development Committee (SADC) on the Soil Protection Standards and commends the Staff outreach in gathering stakeholder comments on the draft version. The Hunterdon CADB accepts the draft Best Management Practices as a solid foundation in protecting a valuable resource.

The CADB objects to the basic concept of the Soil Protection Standards as they serve to change and restrict the terms of Easements that have been agreed to and abided by for decades. Roughly half of the 458 Easements in Hunterdon are at least 15 years old. Once a landowner has signed a permanent easement the SADC should not further restrict agricultural uses. Confidence in the Preservation Program relies on landowners understanding what they are agreeing to and those terms not changing over time and with subsequent owners. The CADB is concerned that the Standards set a precedent to undermine a popular program that has been beneficial to continued viable agriculture in Hunterdon County.

On behalf of the Board, thank you for your time and attention,

Dave Bond
CADB Chair



Cc: State Agriculture Development Committee
Staff
Hunterdon Board of County Commissioners
Governor Phil Murphy
Senator Shirley Turner (15th District)
Assemblywoman Verlina Reynolds-Jackson
(15th District)
Assemblyman Anthony Verrelli (15th
District)

Senator Christopher Bateman (16th District)
Assemblyman Andrew Zwicker (16th District)
Assemblyman Roy Freiman (16th District)
Senator Michael Doherty (23rd District)
Assemblyman John DeMaio (23rd District)
Assemblyman Erik Peterson (23rd District)
Candidate for Governor Jack Ciattarelli



Memo

To: Agricultural and Preservation Partners
From: Jeffrey C. Everett, Deputy Executive Director, State Ag. Development Committee
Date: 4/19/2021
Re: Draft Soil Protection Standards - Request for Informal Comments

Since June of 2019, the full State Agriculture Development Committee (hereafter “SADC” or “the Committee”) and a Deed of Easement Subcommittee have been working on a draft regulation that establishes soil protection standards for preserved farms. The job is not complete, but the basic concepts and a number of key details have been extensively deliberated. At its February 25, 2021, meeting the Committee directed staff to develop a plain language explanation of the draft rule, to circulate it among the Committee’s various partners and to invite their questions and informal comments. Before delving into the details of a draft regulation, however, it is prudent to briefly explain why a rule establishing soil protection standards is necessary, describe the concepts behind the proposed rule, and clarify that the present course of action is the result of a New Jersey Supreme Court decision that concerned a preserved farm.

A number of years ago, the SADC was involved in a court case that centered on the question of how much of a preserved farm can be “disturbed” in order to build farm structures. The case went all the way to the New Jersey Supreme Court where the Court ruled what the farmer had done violated the Farmland Preservation Program restrictions. It also gave the Committee some very clear guidance about what the conceptual underpinnings of soil protection standards must be. The Court said,

“... the ARDA (Agriculture Retention and Development Act) and the (deed of easement) have a dual purpose: to strengthen the agricultural industry and to preserve farmland. Both are important goals; neither is subordinate to the other... **the approach must be to balance farmland preservation and strengthen the agricultural industry.**”

In its decision, the Court also stated,

“If the SADC fails to undertake the necessary rulemaking to establish the extent of soil disturbance that is permissible on preserved farms, then it can expect administrative due process challenges to its enforcement actions . . . those who own deed-restricted farmland must have well delineated guidelines or rules that will permit them to make informed decisions about the permissible limits of their activities.

The state has yet to promulgate such guidelines or rules....
Farmers must know where the goalposts are set before
the State burdens them with costly enforcement actions.”

Therefore, in an effort to strike an appropriate balance between soil conservation and promoting the business of agriculture, the SADC conducted a study of its own and commissioned multiple studies of preserved and unpreserved New Jersey farms. Based on those studies, the SADC has developed a framework of proposed soil protection standards. That framework will allow preserved farms, almost without exception, to operate the way they are operating today while allowing room for future infrastructure growth and, at the same time, sets clear limits on disturbances to the soil resource.

The broad outlines of the proposed regulation are detailed in the attached chart that is color-coded Red, Orange, Yellow, and Green. But before explaining the specifics of the proposed disturbance limits, two points need to be made about what they WILL and WILL NOT apply to.

1. The proposed regulations will apply to all farms regardless of when the farm was preserved. Farms that entered the program before the regulations are adopted will be bound by them to the same extent as farms preserved after their adoption.
2. Exception areas will be completely exempt from the proposed regulation; the proposed soil disturbance limits will apply only to land subject to the deed of easement. In other words, soil disturbance on exception areas will not be included in calculating soil disturbance on preserved land.

THE PROPOSED REGULATION

The proposed regulation tells the owners of preserved land how much soil they can disturb without violating the farmland preservation deed of easement. The basic provisions of the rule are:

1. **Basic Disturbance Allowance (“RED” uses) - Up to eight percent (8%) of the acreage on a preserved farm or six acres (6), whichever is greater,** may be disturbed for the kinds of uses and activities that cause the most permanent and significant damage to the soil, things like paved travel lanes, paved parking lots, and storage areas, stormwater basins and permanent buildings (shown in RED in the attached chart). The eight percent (8%) or six-acre (6) disturbance limit includes and applies to both existing and any proposed, new infrastructure and improvements.
2. **Best Management Practices (BMPs) - In addition to the 8%/6-acre limitation for RED land uses,** additional allowance is provided for certain more reversible activities **as long as they are designed, constructed and maintained in accordance with prescribed Best Management Practices (BMPs).**

A. BMP Overview:

- If a landowner conducts the types of agricultural activities that are addressed in the BMPs, but does not follow the standards contained in the BMPs, **then the activities count as “RED” uses and are subject to the 8%/6 acre basic disturbance allowance discussed above.**
- The most important thing to understand about the BMPs is that the proposed regulations do not require any farmer to follow a single one of them as long as the farm continues to comply with the 8%/6-acre limits and/or unless a landowner

wants to ensure certain activities will not count towards the RED limits. Otherwise, adherence to the BMPs is completely voluntary.

- Most of the uses, buildings and structures covered by the BMPs require maintenance. Proper maintenance will be checked by the easement holder during annual monitoring inspections.
- The most current versions of eleven (11) draft BMPs, which have been vetted by both the Deed of Easement Subcommittee and the full SADC, are attached for review. It is important to note that these can be updated in the future as agronomic practices change.

B. BMPs for Semi-permanent Activities (“ORANGE” uses): The proposed regulation will permit an **additional five percent (5%)** of the preserved land to be disturbed to accommodate five (5) common semi-permanent farm improvements (shown in ORANGE in the attached chart) **PROVIDED** they are designed, built and maintained according to the BMPs.

- These improvements have the potential to do significant damage to the soil, but if designed, built and maintained in compliance with the BMPs, will not permanently damage it.
- The area of soil disturbance caused by any **existing or future ORANGE** use, building or structure not built in compliance with the applicable BMP will count toward the eight percent (8%), six-acre (6) disturbance limits.
- Certification by the SADC is required before the practices are installed to ensure they meet the BMP’s certifications.

C. BMPs for Temporary Activities (“YELLOW” uses): The proposed regulation will permit an **unlimited amount** of the preserved land to be disturbed to accommodate six (6) common temporary farm improvements (shown in YELLOW in the attached chart) that involve minimal and minimally harmful soil disturbance **PROVIDED** they are designed, built and maintained in compliance with the applicable BMPs.

- An **unlimited amount** of these uses, buildings and structures is permitted.
- The area of soil disturbance caused by any **future YELLOW** use, building or structure not built in compliance with the applicable BMP will count toward the eight percent (8%), six-acre (6) disturbance limits. Pre-existing uses, buildings, and structures in this category are exempt from the disturbance limit and certification process.
- Certification by the SADC is required before future practices are installed to ensure they meet the BMP’s certifications.

3. Normal Farming Activities (“GREEN” uses) - Finally, uses that involve growing crops, grazing livestock, or managing woodland along with other natural resources uses and conservation practices (shown in GREEN in the attached chart) are not considered soil disturbance and therefore are unlimited and unregulated insofar as a soil disturbance limit is concerned.

OBJECTIVES OF THE DRAFT PROPOSAL AND NEXT STEPS

Additional details such as how soil disturbance limits will be treated when an owner seeks to divide a preserved farm, how activities that are not contemplated in the land use chart are to be handled, how to address farms at or over the soil disturbance limit at the time that the rules are adopted, etc.¹, will be fleshed out once the proposed limits and associated BMPs have been distributed and informally commented on by the SADC's partners. Again, please note that the overarching objectives of this whole endeavor are to:

- Provide clear standards for farmers and farmland owners as to how much preserved farmland can be disturbed, while staying compliant with the deed of easement.
- Ensure that any proposed standards are realistic in light of the unique nature of New Jersey agriculture and that ample opportunities are provided for future growth. The intent in providing ample future growth is so that farmers can operate without having to constantly seek permission for each and every activity they engage in.
- Protect the soil resources of preserved farms so that they can continue to support agricultural operations far into the future.

To consider input from partners before the promulgation of these proposed rules in the New Jersey Register, the Committee is inviting interested parties to comment informally before the formal Register process commences. **To that end, please submit your written comments within a 60-day review period that concludes June 18, 2021,** by electronic mail (strongly encouraged) to sadc@ag.nj.gov or if necessary, by U.S. Mail at the following address:

State Agriculture Development Committee
Attn: Soil Protection Standards Comments
PO Box 330
Trenton, NJ 08625-0330

With those comments in hand, we will return to the full Committee to finalize the details before a proposed rule is sent to the Register, tentatively this summer with adoption slated for fall. In the interim, please do not hesitate to contact me at the above addresses or by phone at 609-984-2504. Thank you for your attention to this matter.

Distribution list:

State Agriculture Development Committee – Members
State Board of Agriculture – Members
County Boards of Agriculture – Presidents
County Agriculture Development Boards – Administrators
New Jersey Department of Agriculture – Division Directors
Rutgers Cooperative Extension
New Jersey Farm Bureau
Farm Credit East
Northeast Organic Farming Association of New Jersey
USDA Farm Service Agency

¹ The Committee has contemplated providing an additional 2% of the preserved premises or 2 acres, whichever is greater, for these non-compliant farms.

USDA Natural Resources Conservation Service
USDA Rural Development
Soil Conservation Districts
North Jersey Resource Conservation & Development
South Jersey Resource Conservation & Development
Municipal PIG Program Contacts
Land Trusts

STATE AGRICULTURE DEVELOPMENT COMMITTEE
Soil Disturbance/Soil Protection Land Uses Chart

↓	Degree of Reversibility		Land Uses	Soil Effects Classifications	Soil Disturbance Limitations ³	Soil Disturbance Exemptions ⁴
		SOIL PROTECTION STANDARDS - GENERAL	Cut/fill activities (includes stormwater basins)	Permanent Soil Disturbance ("Red" Category)	Up to 8% of the preserved premises acres or 6 acres, whichever is greater.	All pre-existing and future land uses subject to Soil Disturbance Limitation.
			Permanent buildings/structures			
			Permanent travel lanes			
			Permanent livestock training areas			
			Permanent parking and storage areas/hardscape			
		SOIL PROTECTION STANDARDS - BEST MANAGEMENT PRACTICES (BMPs)	Semi-permanent travel lanes	Semi-Permanent Soil Disturbance ("Orange" Category)	Up to 5% of the preserved premises acres if following BMPs; subject to "Red" Category Limitation if not following BMPs.	All pre-existing and future land uses subject to Soil Disturbance Limitation.
			Semi-permanent livestock training areas			
			Semi-permanent parking and storage areas			
			Agricultural water impoundments			
			Soil stockpiles			
			Geotextiles and geomembranes	Temporary Soil Disturbance ("Yellow" Category)	No limitation if following BMPs; subject to "Red" Category Limitation is not following BMPs.	All pre-existing land uses exempted from Soil Disturbance Limitation; all future land uses subject to Soil Disturbance Limitation.
			Temporary structures			
			Temporary travel lanes			
			Temporary livestock training areas			
			Temporary parking and storage areas			
			Ground-mounted solar energy facilities			
		SOIL PROTECTION STANDARDS - GENERAL	Cropland and pastureland	Soil Protection ("Green" Category)	No limitation.	All pre-existing and future land uses exempt from Soil Disturbance Limitation.
			Woodland			
			Wetlands and streams			

¹ Any land use not enumerated in this chart will be evaluated on a case-by-case basis. Additional BMPs can be developed as needed and existing BMPs can be updated as agronomic practices and soil science evolves.

² Acreage classified in the Red and Orange categories can be reduced by following SADC-approved soil rehabilitation standards. Land included within exception areas is not subject to the limitations set forth herein.

³ Compliance with BMPs is voluntary on the part of the landowner. However, not adhering to the BMPs will cause the acreage of a particular land use to count towards the Red Category Limitation.

⁴ Certain land uses, such as pre-existing livestock ponds or cranberry bogs, are considered exempt from the Soil Disturbance Limitations and corresponding details will be articulated in the General Standards.