



State of New Jersey

BOARD OF AGRICULTURE

MINUTES OF MEETING

June 25, 2022

(Wednesday)

Public meeting notice was certified by communication on June 16, 2022.

Pursuant to N.J.S.A. 10:4-6 et seq. adequate notice of this meeting has been provided by giving written notice of the time, date, location and to the extent known the agenda of this meeting. At least 48-hours in advance this notice has been posted on the third floor, Riverview Plaza, Trenton, New Jersey; mailed to the Newark Star Ledger; the Camden Courier Post; the Philadelphia Inquirer and filed with the Office of the Secretary of State.

Vice President Dr. Ernest Beier called the New Jersey State Board of Agriculture to order at 1:35 pm at the Dream Park in Logan Township, Gloucester County, NJ. Board members in attendance included President David DeFrange; Vice President Dr. Ernest Beier, Paul Hlubik, Debbie Norz, Warren Hollinger, Holly Sytsema, Kurt Alstede and Lisa Specca.

Also in attendance were Secretary Douglas Fisher; Dr. Sebastian Reist, Division of Animal Health; Rose Chamberlain, Director, Division of Food & Nutrition; Assistant Secretary Joe Atchison, Nancy Wood, Division of Marketing & Development; Susan Payne, Executive Director, SADC; Joe Zoltowski, Director, Division of Plant Industry; Frank Minch, Director, Division of Agricultural and Natural Resources; Mary Tovar, , Chris LaRegina, Robert Vivian, Jeff Wolfe and Jeff Beach, Office of the Secretary. Also in attendance were Ryck Suydam, Peter Furey, Al Murray and Ben Casella, NJ Farm Bureau; Bruce Eklund, State Statistician; Michelle Infante-Casella and Margaret Brennan, Rutgers University; Bob Andrzejczak, Farm Service Agency, Julie Hawkins, NRCS, and Linda M. Walker, NJ Department of Agriculture.

MINUTES OF PREVIOUS MEETING

ON the MOTION of Debbie Norz, seconded by Barney Hollinger, the Board voted unanimously to approve the minutes of the May 25, 2022 regular meeting with a few minor corrections.

PUBLIC COMMENT

NJ Farm Bureau President Ryck Suydam commented that the New Jersey Farm Bureau opposes the proposed Soil Protection Standards of the SADC. He stated that NJ Farm Bureau opposes any retroactive regulation related to the Soil Protection Standards and their Board of Directors recently voted unanimously to support their existing policy of opposing retroactive regulations. He noted that they

asked their General Counsel to give them a legal opinion on any retroactivity for Soil Protection Standards on preserved farms. He provided the Board members with a copy of the opinion which stated that no new SPS rule can be applied in any easements executed prior to these new rules from the SADC and urged the State Board to get an independent legal opinion on this matter.

SECRETARY'S REPORT

Secretary Fisher made the following comments:

He thanked the Dream Park for hosting the State Board and providing a tour of the facilities and grounds. He noted that there has been a great deal of discussion on the proposed Soil Protection Standards. A Committee of the Board met with a Committee of the SADC on that very topic. He noted that the SADC will be discussing this subject at its meeting tomorrow. He recently attended a meeting with the Commissioners from the Northeast State Departments of Agriculture (NEASDA) and that they are discussing several of the same topics such as hemp processing; climate change and diversity. NEASDA is working to get more Specialty Crop monies in the country, and he is hopeful that the next Farm Bill will address this issue. He noted that these are very tough times for everyone, but especially for farmers, who have had to pivot the last two years because of the pandemic and continue to do so.

Assistant Secretary Joe Atchison reported that blueberry season is underway, with the strawberry season winding down in South Jersey. The billboards and airplane banners have started and the new Jersey Fresh campaign is scheduled to begin the following week. He noted that Jersey Fresh has secured special giveaway days on the boardwalks in Seaside, Atlantic City and Wildwood with blueberries, grape tomatoes and peaches. The Division continues work on the Organic Sustainable Regenerative Agriculture Program; the Division is finalizing labeling issues for the Jersey Raised Livestock program and work continues on the Jersey Natives program as well.

Frank Minch, Director, Division of Agricultural & Natural Resources, reported there have been potable water well inspections on blueberry farms. DEP staff visited four blueberry farms regarding water quality concerns involving drinking water wells and Division staff is coordinating with DEP staff on improving identification of concerns and different approaches. In addition, he reported that the DEP emergency flood hazard and stormwater rules have recently been put on hold. The emergency rule amendments would raise the design flood elevation and adjust precipitation models for stormwater design. Staff is working with DEP engineering staff to review related engineering data and provide alternative design and regulatory considerations. Board member Kurt Alstede commented that this is a great concern to farmers and Secretary Fisher commented that this will be a closely monitored situation.

Susan Payne, Executive Director, SADC, reported on the breakdown of the proposed changes to the Soil Protection Standards:

A. Issues discussed with SBA subcommittee on June 6th:

Comment 1 – Hoop house (HH) definition – should be clarified to make it clear that any use of gravel disqualifies a HH from being considered exempt ag practices.

Change made – Clarified definition of exemptions (2:76–25.4): *Hoop houses, as defined in N.J.A.C. 2:76–25.3, placed on geotextile fields without soil alteration, soil surfacing, or soil compaction are considered exempt agricultural practices.*

Comment 2 – Temporary tents – overall discussion related to use of 180 days vs. 120 days as the standard. Compromise discussed was “exempting” a small amount of tent cover – something on the order of 1,000 square feet (“one or two of them”) and extending that amount of tent cover to 180 days – to support direct marketing activities, while keeping the remaining limits on tents.

Change made – Definition added to exemptions section (2:76–25.4): *Temporary tents are exempt when: a) the temporary tents on the Premises occupying up to 2,000 square feet, or b) temporary tents that are in place for less than 120 cumulative days in a calendar year*

Comment 3 – Vegetative cover – general discussion of the 70% vegetative cover standard.

No change made.

Comment 4 – Solar – do trenches for solar facilities count toward soil disturbance limits? Need to examine whether the text in the SPS definition needs to be reconciled with existing SADC solar rules.

No change made. Definition already counts only *“underground piping or wiring to transmit solar energy or heat where the piping or wiring is less than three feet from the surface”*

Comment 5 – Aggregation – question is whether an aggregation can be reversed if approved by the committee following a previously approved aggregation of contiguous parcels.

Change made – Aggregation and consolidation section amended to enable the SADC to approve the disaggregation of parcels conditioned on each parcel not exceeding the soil disturbance limit.

Comment 6 – Topsoil stockpiling appendix – reference to prohibiting use of bulldozers – is this necessary?

Change made – replaced reference to “bulldozers” with “any equipment that substantially reduces soil aggregate structure, increases soil compaction, or leads to excessive soil smearing.”

Comment 7 – Waiver section – reference to Committee’s consideration of waiver eligibility related to landowners’ “previous activity having directly or indirectly caused” need for waiver request.

Change made – language edited to reference “the Grantor’s actions or inaction” instead.

Comment 8 – Request for a hearing to appeal any Committee action – Landowner appeal period of 20 days – not long enough. 45 days recommended.

Change made – hearing section now provides 45 days to request a hearing.

B. Other Substantive Changes Made

Cranberry bog definition amended to clarify that bogs/canals/berms are all exempt ag practices

Clarification that certain defined conservation practices are exempt that address sheet/rill erosion; wind erosion; gully erosion; streambank/channel erosion; and compaction of land

Soil rehab standards – clarified to enable the SADC to reduce rehab plan components based on type of disturbance or site-specific conditions.

Reduced Grantee monitoring requirements – to focus the need to submit detailed disturbance information only for farms within 50% of the disturbance limit

Rose Chamberlain, Director, Division of Food & Nutrition reported that the Summer Food Service Program is almost ready to start and that this year there are 163 sponsoring organizations with 1,100 feeding sites and expect more will be added. In addition, the Child & Adult Care Feeding Program has resumed their Tuesday Tips. Staff can connect with childcare institutions and provide trainings and updates especially as the Division begins to prepare for FY 23. She thanked the Division IT staff for their assistance in enabling the entire Division to go electronic. All of the Division's programs are web-based and this was extremely important during the pandemic and allowed there not to have any breaks in service.

Dr. Sebastian Reist, Assistant Director, Division of Animal Health, reported that they had closed the HPAI control zone in NJ earlier this week. He noted that NJ will continue to be "under watch" until mid-October. He reported that HPAI is on the downturn internationally. Nationally, there were 372 confirmed flock (186 commercial, 186 backyard) with 40 million birds affected. In addition, the Rabbit Hemorrhagic quarantine has been closed. Finally, he announced that there had been a meeting with the Board's Livestock Committee to have a brief overview of the Humane Standards.

Joe Zoltowski, Director, Division of Plant Industry, reported that Gypsy Moth treatments had been concluded for the season. A total of 8,961 acres of residential municipal lands and state property have been treated using single and double applications of Bt in Burlington and Cape May counties. In addition, SLF crews continued to scrape egg masses. A total of 241 egg masses were scraped during the month from 163 acres of trees. He noted that there are less Hemp growers now that they can grow cannabis. There are 31 growers, growing 33 varieties over 187 outdoor acres and 19 acres indoor. Things are slow moving for that industry. Board member Kurt Alstede asked again about the possibility of bee notifications through registration of bees. He commented that they are working with OIT and DEP on this issue.

Secretary Fisher introduced Assemblywoman Beth Sawyer to the State Board, and she welcomed the group to Gloucester County. She stated that her Mom grew up on a cotton plantation and that her Dad was a Marine. She stated that farming is very important to her and that she wants to help farmers as much as she can. She stated that being a farmer is not an easy task. She asked that they call on her if she can be of help.

BOARD MEMBER COMMENTS

Paul Hlubik reported that he had attended the last meeting of Middlesex County Board of Ag where they again honored Bill Griffin, a long time Middlesex County grower, who recently sold his property and would be moving to Louisiana within the month. He suspended his further comments until Susan Payne returned to the meeting.

Kurt Alstede commented that the stormwater regulations are very concerning. He commented that the soil disturbance rules are garnering a great deal of attention amongst most counties. The SOE remains a hot button topic for everyone. He noted that the Sarlo legislation is most preferred by everyone.

Lisa Specca reported that Atlantic and Camden County Boards of Ag did not meet. She reported that there is still a strong demand for picking and they have had a steady stream. She reported that cost for everything is top of mind for everyone.

Holly Sytsema commented that input costs for Sussex County farmers are through the roof, but they are cautiously optimistic as crops look good especially the hay crop. She reported that livestock shows are underway with good participation. In addition, she noted that there is a desperate need of loss adjustors. She reported that the Wildlife Committee met related to bear issues and there was a lot of information learned. She reported that the Livestock Committee also met briefly to discuss the Humane Standards. She reported that the Nominations Committee would like to have time to meet with each candidate who is eligible to become President next year, for the Committee to make a its recommendation to the Board.

Debbie Norz thanked the Dream Park for hosting the Board today and Dr. Beier for organizing. She announced that she had attended the Union County Board of Agriculture meeting and that it was a great meeting. She commented that some growers were experiencing issues related to getting landscape materials. She reported that the Open Bid process did not affect them as they do not have a lot of leased land there. She reported that the Legislative Committee had met to discuss several important issues. She reviewed the drafts that the Board received and made the following motion:

ON the MOTION of Debbie Norz, seconded by Paul Hlubik, to send a letter regarding A4035 to express concern that the appointment of the Executive Director be a direct appointment.

Board member Kurt Alstede made an amendment, seconded by Barney Hollinger, to have the letter say that we oppose the legislation. The amendment was passed, and the Board voted unanimously to send the letter as revised.

ON the MOTION of Debbie Norz, seconded by Barney Hollinger, the Board voted unanimously to send the letter regarding the tax credits as presented.

Ms. Norz then reviewed a draft letter to Senator Smith regarding Senate Bill 428 that would establish Right to Farm Protections for aquaculture operators.

ON the MOTION of Paul Hlubik, seconded by Barney Hollinger, the Board voted unanimously to send the letter as drafted requesting that he makes some changes to mirror Assembly Bill A 4233.

Barney Hollinger reported that things had been busy and that he has been attending several meetings.

Vice President Beier reported that Salem County Board of Agriculture had suspended meetings for the summer. He noted that they were working to try to develop a small livestock processing facility in South Jersey. He noted that vegetable prices were very low and as a result some farmers may not be farming next year. In addition, some farmers are not even going to harvest because it wasn't worth the effort. He noted that due to the hot weather many horses are colicky.

President DeFrance thanked Dr. Beier for making all the arrangements for today's meeting. He noted that his comments mirrored many of those already made. He especially noted the input costs and the challenges that farmers are facing because of it.

Board member Paul Hlubik thanked Susan Payne for the meeting that they hosted for the Policy Committee with the SADC's soil protection subcommittee members. He reported that the meeting was an excellent exchange of ideas, and he appreciated the opportunity to have that discussion.

Susan Payne reviewed again with the members of the Board that the Supreme Court's decision indicates that the SADC **must** develop regulations to interpret the competing provisions of the Farmland Preservation Program (FPP) deed of easement before it can take court action against landowners. If you don't develop regulations to set standards, you cannot claim a particular activity constitutes a violation in the future. Those standards must be adopted as a regulation.

There was a lengthy discussion about the Soil Protection Standards (SPS), with many of the Board members commenting. It was noted that the retroactive applicability of the standards was a huge problem for most and there was concern that it will hurt the FPP program going forward.

Board member Kurt Alstede provided Board members with a copy of a memo prepared by his attorney regarding a recent deed of easement issue that he recently had.

ON the MOTION of Kurt Alstede, seconded by Debbie Norz, the Board voted to advance a memo to the SADC stating the Board's strong concerns about the manner in which these standards would be applied to already preserved farms through a rules process, and ask that the SADC consider an alternative means of applying these standards to farms that are already preserved.

Board member Holly Sytsema voted against as she feels that all farms should have the same advantages.

NEW BUSINESS

Readoption by Notice without Change – N.J.A.C. 2:56 – Dairy Licensing Fees and Penalties

ON the MOTION of Barney Hollinger, seconded by Debbie Norz, the Board voted unanimously to approve Readoption by Notice without Change – N.J.A.C. 2:56 – Dairy Licensing Fees and Penalties pursuant to the Administrative Procedures Act.

Approval – State Food Purchase Program Gleaning Support Grants

ON the MOTION of Barney Hollinger, seconded by Debbie Norz, the Board voted unanimously to increase the grant request to \$250,000 to be offered.

Approval – New Jersey Wine Grants

ON the MOTION of Debbie Norz, seconded by Barney Hollinger, the Board voted unanimously to approve the New Jersey Wine Grants as presented.

Approval – 2022 Charity Racing Day Grants

ON the MOTION of Debbie Norz, seconded by Barney Hollinger, the Board voted unanimously to approve the 2022 Charity Racing Day Grants as presented.

Approval – Commodity Councils’ Contracts, Budgets and Nominations

ON the MOTION of Debbie Norz, seconded by Barney Hollinger, the Board voted unanimously to approve the Commodity Councils’ Contracts, Budgets and Nominations as presented.

There was discussion about the Nominations Committee meeting with the candidates for the President and Vice President for the following year be interviewed.

REPORT OF RUTGERS UNIVERSITY

The written report from Rutgers was provided.

REPORT OF FARM SERVICE AGENCY (FSA)

State Executive Director Bob Andrzejczak made the following comments:

Acreage Reporting Deadline! – July 15th

The acreage reporting deadline for most crops is July 15th. To be eligible for a majority of our programs, you must report your crops annually. If you haven’t done so already, contact your local FSA office to set up an appointment prior to the July 15th deadline.

County Committee Elections

Committee members are a critical component of the day-to-day operations of FSA. They help deliver FSA farm programs at the local level. The nomination period will begin June 15th and will end August 2nd. Additional information regarding the upcoming election can be found on the NJ FSA website.

Dairy Margin Coverage – DMC Premium Reimbursement through NJ Department of Ag

All New Jersey dairy producers who participate in DMC took part in the NJ Department of Ag premium reimbursement program.

Emergency Relief Program–ERP

Commodity and specialty crop producers impacted by natural disaster events in 2020 and 2021 have started receiving emergency relief payments totaling approximately \$6 billion through the Farm Service Agency’s (FSA) new Emergency Relief Program (ERP) to offset crop yield and value losses.

ERP covers losses to crops, trees, bushes, and vines due to a qualifying natural disaster event in calendar years 2020 and 2021. Eligible crops include all crops for which crop insurance or NAP coverage was available, except for crops intended for grazing. Qualifying natural disaster events include wildfires, hurricanes, floods, derechos, excessive heat, winter storms, freeze (including a polar vortex), smoke exposure, excessive moisture, qualifying drought, and related conditions.

REPORT OF NJ FARM BUREAU

Peter Furey represented the Farm Bureau and reported on the following topics:

- Discussion points from their attorney regarding the SPS, provided the Board with a copy of the letter prepared by their attorney.

REPORT OF NATIONAL AGRICULTURAL STATISTICS SERVICE (NASS)

Bruce Eklund reported the following:

- June 30 is the release date for acreage report for soybeans, wheat, corn for grain and hay.
- July 20 will be the release date for fruit chemical use – select states
- July 29 will be the release their farm expenditures report

REPORT of NATURAL RESOURCE CONSERVATION SERVICE

Julie Hawkins, State Conservationist, reported the following:

- Salem County concerns irrigation concerns and they will be hosted by the farm involved.

PUBLIC COMMENT

None.

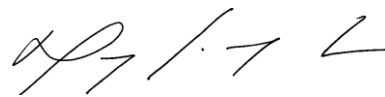
MEETINGS

The next regular meeting of the State Board of Agriculture will be held July 27, 2022, at a location to be determined.

ADJOURNMENT

ON the MOTION of Paul Hlubik, seconded by Barney Hollinger, the Board voted unanimously to adjourn the regular meeting at 5:35 pm.

Respectfully submitted,



Douglas H. Fisher