

July 7, 2009

To: State Board of Agriculture, President  
County Boards of Agriculture, Presidents  
County Agriculture Development Boards, Administrators  
New Jersey Department of Agriculture, Division Directors  
Rutgers Cooperative Extension  
New Jersey Farm Bureau  
First Pioneer Farm Credit  
New Jersey Agricultural Leadership Development Program  
Northeast Organic Farming Association of New Jersey  
USDA Farm Service Agency  
USDA Natural Resources Conservation Service  
USDA Rural Development

From: Susan E. Craft

Re: Agricultural Mediation Program Update

As you know, the State Agriculture Development Committee (SADC) administers an agricultural mediation program to help farmers and others resolve agricultural disputes quickly, amicably, and in a cost-effective manner.

The program is available to help resolve Right to Farm disputes, USDA program disputes, and other farm-related issues. The program has also sponsored conflict-prevention and conflict-resolution workshops and activities.

At the SADC's June 25, 2009 meeting, SADC staff provided the Committee with an update on the program (summary attached). The Committee discussed the program, recertified its roster of mediators, and reiterated the program's benefits, noting also the need for additional outreach to the agricultural community.

In moving forward to improve the effectiveness of the Agricultural Mediation Program, we would like to reach out to all members of the agricultural community to increase their awareness of the program and seek their input. In particular, we are interested in your ideas for additional activities that the program could coordinate/facilitate that would fit within the program's overall scope –

i.e., helping farmers be more productive and viable through the prevention and resolution of agriculturally related disputes. A few possible ideas are mentioned in the attached summary.

Please share your ideas for any conflict-prevention or conflict-resolution related projects by contacting David Kimmel, Agricultural Mediation Program Manager, at 609-984-2504 or [david.kimmel@ag.state.nj.us](mailto:david.kimmel@ag.state.nj.us). We are looking to have a more formal plan for these activities by the end of the summer.

Thank you for any assistance you can provide.

Enclosures

## **New Jersey Agricultural Mediation Program**

### The Program Basics

The SADC coordinates an agricultural mediation program to help farmers and others resolve agricultural disputes quickly, amicably, and in a cost-effective manner.

Mediation is a voluntary process in which a trained, impartial, and certified mediator helps disputing parties examine their issues, identify and consider options, and determine if they can agree on a solution. In this way, the mediator serves as a facilitator and helps the parties narrow their issues and look for solutions. Because the mediator has no decision-making authority, successful mediation is based on the voluntary cooperation of all parties.

Mediation is a free service, as the SADC pays for the cost of the independent mediator. Mediation is also confidential, and it generally takes only a meeting or two to complete. There are currently 10 individuals on the SADC's roster of trained mediators.

In New Jersey, the Agricultural Mediation Program can be used to help resolve Right-to-Farm disputes – i.e., disputes between farmers and neighbors or between farmers and towns – as well as USDA disputes – e.g., agricultural credit disputes between farmers and the Farm Service Agency. We have also used the program to assist with other general farm issues – e.g., intra-farm-family or intra-farm-business disputes.

One of the foremost benefits of mediation is that it can save farmers and others time and legal fees. With regard to Right to Farm disputes, mediation exists as an alternative to the lengthy public hearing process. Mediation allows disputing parties to retain control over shaping a matter's outcome, rather than letting a third-party (e.g., the CADB or SADC in RTF cases) decide the issue. Mediation also enables parties to express their different/mutual points of view, correct misinformation and misunderstandings, and narrow the issues at hand.

### Use of the program's mediation services

A sampling of the specific issues for which mediation has been used over time includes the following:

- USDA agency related
  - Loan denials
  - Agricultural credit issues
  - Conservation program disputes
- Right to Farm (RTF) related
  - Water runoff
  - Manure management/odor, flies
  - Equipment storage
  - Food processing by-product land application
  - Farm market plant display

- Nursery and greenhouse activities
- Horse events
- Crop gun/cannon
- Deer fence installation
- Miscellaneous (non-RTF) issues
  - Neighbor's ATV use disturbing farm animals
  - Ditch maintenance of municipal road
  - Use of a town road for accessing the farm
  - Electric company's vegetation management practices
  - Co-owner dispute about having events on the farm/liability

The following table highlights the number of cases in which mediation has been requested over time. Mediation sessions were subsequently held in many but not all of these cases. (The program is voluntary, so both parties must agree to participate.) In most of the cases, as a result of mediation, the parties left with a better understanding of the issues and potential resolutions; in some cases, the parties signed a written agreement outlining some type of resolution.

Federal Fiscal Year	Number of cases in which mediation was formally requested
2000	3
2001	8
2002	7
2003	7
2004	4
2005	4
2006	7
2007	9
2008	5
2009	9

#### Additional program activities

In addition to being a mediation service provider, the program has also periodically sponsored conflict-resolution and conflict-prevention projects.

In 2006, the program coordinated three regional (north, central, south) skills-building workshops on general communication and conflict-resolution. The target audience for these workshops was agricultural professionals who dealt regularly with farmland preservation, right to farm, and agricultural credit issues – e.g., CADB staff, local PIG Program contacts, Rutgers Cooperative Extension staff, and FSA staff. Fifty-eight (58) people attended these sessions, with the attendees coming mostly from CADBs and FSA.

In 2008, the Ag Mediation Program supported a project designed to help farmers minimize right-to-farm disputes. This project, developed from a separate USDA grant obtained from the Northeast Center for Risk Management Education (NCRME), involved soliciting, compiling, and presenting farmers' advice for maintaining good relationships

and avoiding conflicts with neighbors and towns. The Ag Mediation Program supported this project by covering some of the project's educational booklet printing costs.

#### Ideas for new activities – looking for your feedback

To ensure the SADC continues to use the small but important USDA cost-share grant funding available for administering the Ag Mediation Program, the program should continue to offer or sponsor programming that fits within its scope. This scope includes the following: (1) specifically, being a mediation service provider, and (2) generally, helping farmers be more productive through the prevention and resolution of agriculturally-related disputes.

On the first topic (1), the program is fairly well established in its current configuration. Administrative procedures, form letters, contracts, etc. are in place to help efficiently process requests for mediation. One activity we could do is further outreach with the ag community and USDA agencies to increase everyone's awareness of the program.

The second topic (2) is a little broader and offers more possibilities for additional programming. A few ideas include the following:

- Again offering some type of conflict-management/conflict-resolution/negotiation skills workshops for farmers and agricultural professionals, but this time perhaps in conjunction with county board of agriculture meetings, selected winter meetings, a NJ Ag Leadership Development Program seminar, or other events
- Doing additional outreach with residential neighbors (e.g., creating an educational brochure or booklet about what farming involves) to help neighbors better understand agriculture and thus prevent conflicts (several farmers mentioned this in the feedback they had provided during the NCRME project mentioned above)
- Other activities focused on helping manage intra-farm related disputes

What do you think of these ideas for additional conflict-management activities?

What other types of projects or new programming could you see the Ag Mediation Program working on “to help farmers be more productive by helping them prevent and resolve agriculturally-related disputes”? These projects could be SADC driven or be something the SADC collaborates on and helps fund.

Please share your thoughts or ideas with SADC staff (David Kimmel – 609-984-2504). Our goal is to have a more formal plan for these activities by the end of the summer.