

RESOLUTION # 17

DRONES AND AGRICULTURE

1 **WHEREAS**, the use of unmanned aerial aircraft (a.k.a. “drones”) has expanded
2 beyond the initial military and other governmental applications and has seen growing
3 acceptance and practicality of uses in various private-sector industries; and

4 **WHEREAS**, agriculture can benefit from the use of drones for various activities that
5 are central to the growing of crops and the raising of animals, including enabling farmers to
6 view and videotape vast swaths of farmland in substantially less time and from aerial angles
7 that could not be obtained from walking or driving through their fields; the reduction of wildlife
8 damage to crops through the use of drones to scare off animals that can cause significant
9 crop damage; and the mapping and documentation of fields that could aid greatly in
10 traceback efforts in the event of a foodborne illness incident; and

11 **WHEREAS**, drones also have come under scrutiny from the public when they are
12 misused by their operators, especially when intruding into the airspace over the properties of
13 others that have not given their permission, and must be properly regulated to avoid conflicts
14 among property owners, especially over farm properties, whose owners must always be
15 aware of biosecurity and agro-terrorism threats; and

16 **WHEREAS**, farmers have expressed concern about the use of drones by
17 government agencies or activist groups to fly over their fields without the farmer’s permission
18 and record data that, in the wrong hands, could expose the farmer to a competitive
19 disadvantage or, in the worst-case scenario, agro-terrorism; and

20 **WHEREAS**, universities or other institutions interested in helping agricultural
21 operators to conduct aerial surveying of their properties can do so more efficiently and
22 accurately using drones than manned aircraft flying at higher altitudes; and

23 **WHEREAS**, drones can be a useful tool for farmers who have been granted
24 depredation permits to limit the damage done to their crops and/or livestock by wildlife by
25 using the drones to surveil the intrusion of wildlife onto their properties: and

26 **WHEREAS**, bills have been introduced in the Legislature that would make it unlawful
27 to use drones, in certain circumstances, to manage wildlife incursions onto farms.

28 **NOW, THEREFORE, BE IT RESOLVED**, that we, the delegates to the 106th State
29 Agricultural Convention, assembled through a virtual platform hosted in Trenton, New
30 Jersey, in accordance with COVID-19 pandemic recommendations, on February 17, 2021,
31 urge the New Jersey State Legislature, Governor and all levels of New Jersey law
32 enforcement to ensure that the airspace over farms is respected, especially when farmers
33 lodge complaints about unauthorized drones being flown over their properties.

34 **BE IT FURTHER RESOLVED**, that we urge the Legislature and Governor to strongly
35 consider that various courts have held that ownership of the airspace over private properties
36 extends for up to 500 feet above those properties, and that we urge the Legislature to craft
37 any legislation addressing farm use of drones or the use of drones by any private individual
38 or government agency in a way that enables the Department of Agriculture to use its
39 expertise and knowledge of the agricultural industry to create, in consultation with other
40 agencies or private-sector entities with knowledge and expertise in unmanned aerial aircraft,
41 guidance for farmers that fosters legitimate drone use in agricultural operations in New
42 Jersey.

43 **BE IT FURTHER RESOLVED**, that we oppose any legislation that would make it
44 unlawful for a farmer with a depredation permit to use drones to aid in hunting as a means of
45 managing wildlife for the purposes of protecting crops and/or livestock from wildlife damage.