

RESOLUTION # 4

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 farmers’ 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 to “aid in the taking of wildlife.”

28 **NOW, THEREFORE, BE IT RESOLVED**, that we, the delegates to the 105th State
29 Agricultural Convention, assembled in Atlantic City, New Jersey, on February 5-6, 2020, urge
30 the New Jersey State Legislature, Governor and all levels of New Jersey law enforcement to
31 ensure that the airspace over farms is respected, especially when farmers lodge complaints
32 about unauthorized drones being flown over their properties.

33 **BE IT FURTHER RESOLVED**, that we urge the Legislature and Governor to strongly
34 consider that various courts have held that ownership of the airspace over private properties
35 extends for up to 500 feet above those properties.

36 **BE IT FURTHER RESOLVED**, that we urge the Legislature to craft any legislation
37 addressing farm use of drones or the use of drones by any private individual or government
38 agency in a way that enables the Department of Agriculture to use its expertise and
39 knowledge of the agricultural industry to create, in consultation with other agencies or
40 private-sector entities with knowledge and expertise in unmanned aerial aircraft, guidance for
41 farmers that fosters legitimate drone use in agricultural operations in New Jersey.

42 **BE IT FURTHER RESOLVED**, that we oppose any legislation that would make it
43 unlawful for a farmer with a depredation permit to use drones to aid in the “taking of wildlife”
44 for the purposes of protecting crops and/or livestock from wildlife damage, as such legislation
45 could be construed to also prohibit farmers from using drones to monitor and surveil wildlife.