

RESOLUTION # 5

FARMING ON PUBLIC LANDS

1 **WHEREAS**, throughout New Jersey, there exists publicly owned land that is actively
2 farmed under lease agreements between farmers and governmental entities of the state,
3 county or local level; and

4 **WHEREAS**, these lands remain a critical component of the available agricultural land
5 base in the state; and

6 **WHEREAS**, farmers have expressed some concerns about the terms of these lease
7 agreements; and

8 **WHEREAS**, these concerns include questions about certain restrictions or
9 encumbrances imposed upon farmers that, in some instances, hinder agricultural production,
10 including the ability to deal with encroaching wildlife that destroy crops; and

11 **WHEREAS**, in late-2021, farmers who had successfully bid on State public lands to
12 farm them, and in some cases already had ordered seeds and other supplies, received on
13 December 20 an email from the Department of Environmental Protection informing them
14 that they had until December 27 to respond and agree to not use certain pesticides while
15 farming those lands; and

16 **WHEREAS**, recently a county leased land to multiple farmers and subsequently informed
17 those farmers that they would be restricted from the use of certain pesticides; and

18 **WHEREAS**, while the Department and State Board of Agriculture were able to get that
19 deadline moved, the Statehouse Commission, which approves the leases of those lands and
20 the Department of Environmental Protection maintained that they still wanted farmers to
21 make those agreements regardless of whether that agreement would mean their calculations
22 on being able to profitably farm those lands would no longer be valid; and

23 **WHEREAS**, there has traditionally been no uniform, statewide model for renting
24 these lands for agricultural purposes, increasing the risk of inconsistencies and individualized

25 use restrictions in lease agreements that can impede or limit generally accepted farming
26 practices; and

27 **WHEREAS**, in some instances, farmers make substantial investments in rented
28 ground as a means of enhancing an individual parcel's agricultural productivity for the long-
29 term, and thus are negatively impacted by exceedingly short-term lease arrangements; and

30 **WHEREAS**, an example of such an impact would be a farmer using leased public
31 lands to grow and harvest trees, including Christmas trees, which can take seven to 10 years
32 to mature and become marketable; and

33 **WHEREAS**, recent discussions between farmer groups and senior staff at the New
34 Jersey Department of Environmental Protection (NJDEP) have resulted in constructive
35 movement toward more consistent and uniform lease language; and

36 **WHEREAS**, representatives from the Department of Agriculture and NJDEP have
37 had discussions about extending the length of leases, and the Department will continue to
38 engage NJDEP in discussion of topics surrounding farming on leased public lands, including
39 the newly raised issue of which pesticides can be used on those lands.

40 **NOW, THEREFORE, BE IT RESOLVED**, that we, the delegates to the 107th State
41 Agricultural Convention, assembled in Atlantic City, N.J., on February 9-10, 2022, do hereby
42 urge the State Board of Agriculture and Department of Agriculture, along with the New
43 Jersey Farm Bureau, to continue reviewing the current status of lease arrangements for
44 agricultural purposes throughout the state.

45 **BE IT FURTHER RESOLVED**, that we urge any lease of public lands in which a
46 county or municipality auctions the leasing rights include provisions for an open public
47 auction process, with no minimum bid, and in the absence of an open public auction, the
48 current farmer be given the opportunity to match the highest bid.

49 **BE IT FURTHER RESOLVED**, that we urge the Department and State Board to
50 continue working with the NJDEP and the Statehouse Commission to arrive at a mutually

51 agreeable long-term resolution to the issue of which pesticides can be used on these lands,
52 e.g., having restrictions about those pesticides hew more closely to what the State allows on
53 private farmland, such as having those pesticides applied only by licensed pesticide
54 applicators.

55 **BE IT FURTHER RESOLVED**, that we urge all municipalities, counties, or others
56 leasing public lands to farmers give consideration to farmers for the long-term investment in
57 land maintenance –, and have the option for a multiple-year lease to recoup the costs
58 necessary to maintain lands, and allowing long-term crops to reach maturity – e.g. Christmas
59 trees and other perennial crops – when the maturing of those crops would take longer than
60 the term of the initial lease.

61 **BE IT FURTHER RESOLVED**, that we urge the State Board, the Department and
62 New Jersey Farm Bureau to continue soliciting the input of county boards of agriculture and
63 commodity organizations, and that the Natural Resources Conservation Service (NRCS) be
64 consulted on lands leased for farming as part of this review process.

65 **BE IT FURTHER RESOLVED**, that we acknowledge the recent movement within the
66 NJDEP toward more consistent and uniform language on leases to farm public lands.

67 **BE IT FURTHER RESOLVED**, that we urge the SADC and Legislature to recognize
68 and add language, where appropriate, defining a “commercial farm” to include leased public
69 lands, which otherwise satisfy the eligibility for Farmland Assessment.

70 **BE IT FURTHER RESOLVED**, that we strongly urge that farmers leasing public
71 lands have the right to protect their crops from any and all pests that devalue or threaten
72 those crops, using any method legally permissible on private farmland.