**RESOLUTION # 12**

**SOIL PROTECTION ON PRESERVED FARMLAND**

**WHEREAS**, the State Agriculture Development Committee (SADC) proposed in late-2023 a rule regarding soil disturbance on preserved farms that was met with serious concern by Convention delegates, who directed the Department and State Board to form an ad hoc subcommittee on the issue, with the focus on how a rule on soil disturbance could impact the state’s agricultural industries; and

**WHEREAS**, that subcommittee, including several Board members, repeatedly met with SADC staff throughout 2023 and 2024 to discuss specifics of the proposed rule, including negotiations on what percentage of a preserved farm could have the soil disturbed and whether the new rule should apply to those farms already enrolled in the Farmland Preservation program, the so-called “retroactivity issue”; and

**WHEREAS**, an eventual compromise rule was published in the New Jersey Register in late-2024 and has moved through its public comment period, with SADC staff now reviewing the comments; and

**WHEREAS**, the SADC has given many presentations to the agricultural community and stakeholders on the new proposed rules, including visiting various county agriculture boards, as called for by the delegates in previous Convention resolutions on this subject; and

**WHEREAS**, the SADC’s authority to determine if and/or when instances of excessive soil disturbance have occurred on deed-restricted farmland was the subject of a case before the State Supreme Court, with the Court ruling in favor of the SADC, based on the facts of that case; and

**WHEREAS**, as part of that decision, the Court ruled that language existing in the deeds of easement signed for farms already in the Farmland Preservation program provides the authority to SADC to implement the proposed Soil Disturbance rule covered within that verbiage, even if done so retroactively; and

**WHEREAS** the standard deed of easement does already include (since 1993) the compliance mechanism originally intended to balance agricultural development with conservation/stewardship practices through farmland conservation plans, which are required to be obtained within one year of the date of the deed of easement, and approved by the local soil conservation district, and which controls future changes to the property since the deed of easement requires that “Grantor’s long-term objectives that shall conform with the provisions of the farm conservation plan.”; and

**WHEREAS**, we believe that the proposed Soil Protection regulations, if adopted to apply to future deeds of easement, will discourage farmers from preserving their land, thereby doing significant damage to the Farmland Preservation Program.

**NOW, THEREFORE, BE IT RESOLVED**, that we, the delegates to the 110th State Agricultural Convention, assembled in Atlantic City, New Jersey, on February 5-6, 2025, do hereby strongly urge the SADC to continue to make itself available for all opportunities and forums to present, discuss, and accept comments and suggestions from agricultural groups, especially county agricultural boards, the new proposed Soil Protection standards under consideration.

**BE IT FURTHER RESOLVED**, that since the State Agriculture Development Committee’s website speaks to SADC leading in the preservation of New Jersey farmland and promoting innovative approaches to maintaining the viability of agriculture, that agricultural viability should be of the utmost importance and priority for the SADC and all commodity groups when considering all standards, future and existing, within the program.

**BE IT FURTHER RESOLVED**, that in order to provide for continued growth in farming operations and to foster profitable farming in the state, any new regulations applying to future deeds of easement should focus on conservation practices and remediation where appropriate to provide avenues for growth and change.

**BE IT FURTHER RESOLVED**, that all standards should take into consideration appropriate ecological approaches with regards to soil erosion and the SADC should work closely with the NRCS and the soil conservation districts so that all are aligned.

**BE IT FURTHER RESOLVED**, that we strongly and emphatically urge the SADC to abandon the retroactive approach and broaden the discussion to include a farm-viability stewardship/guidance approach, as well as other ideas that may develop from the subcommittee’s ongoing discussions with the SADC.