**RESOLUTION # 17**

**FARMING ON PUBLIC LANDS**

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

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

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

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

**WHEREAS**, in the past, farmers who had successfully bid on State public lands to farm them, and in some cases already had ordered seeds and other supplies, received an email from the Department of Environmental Protection (DEP) informing them that they had one week to respond and agree to not use certain pesticides while farming those lands; and

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

**WHEREAS**, the Statehouse Commission, which approves the leases of those lands, and the DEP maintained that they still wanted farmers to make those agreements regardless of whether that agreement would mean their calculations on being able to profitably farm those lands would no longer be valid; and

**WHEREAS,** existing laws and regulations regarding pesticides, including rules promulgated by the federal Environmental Protection Agency, do not distinguish between private or public ownership when proscribing how pesticides are to be used safely in accordance with the instructions on the pesticide label (what has become known as the doctrine of “the label is the law”); and

**WHEREAS**, there has traditionally been no uniform, statewide model for renting these lands for agricultural purposes, increasing the risk of inconsistencies such as those listed above and individualized use restrictions in lease agreements that can impede or limit generally accepted farming practices; and

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

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

**WHEREAS**, recent discussions between farmer groups and senior staff at the DEP have resulted in constructive movement toward more consistent and uniform lease language; and

**WHEREAS**, representatives from the New Jersey Department of Agriculture (NJDA) and DEP have had discussions about extending the length of leases, and the Department will continue to engage NJDEP in discussion of topics surrounding farming on leased public lands, including the newly raised issue of which pesticides can be used on those lands; and

**WHEREAS**, there is a need for the continuation of farming on public lands to offset the decrease in private farmland in the state of New Jersey; and

**WHERERAS**, publicly owned land tends to become overgrown and not heavily maintained, which increases the incidence of invasive species, nuisance insects, wildlife, and pollen emissions that could lead to health issues in local communities; and

**WHEREAS**, residential and commercial development of useful farmland is adding to the decrease of farming in the state, and the purchase of open space with no active purpose (sometimes referred to as “passive recreation areas”) allows overgrowth of wild plant and animal species, and should not be exacerbated by a reduction of farmable land; and

**WHEREAS**, legislation passed in the Assembly and pending in the Senate at the end of the 2022-23 session directs the DEP to establish “a leasing program for State-owned land to be used and managed as pollinator habitat.”

**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 urge the State Board of Agriculture and NJDA, along with the New Jersey Farm Bureau, to continue reviewing the current status of lease arrangements for agricultural purposes throughout the state, and ask for inclusion of unleased ground in new auction rounds.

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

**BE IT FURTHER RESOLVED**, that we urge the NJDA and State Board to continue working with the NJDEP and the Statehouse Commission to arrive at a mutually agreeable long-term resolution to the issue of which pesticides can be used on these lands, e.g., having restrictions about those pesticides hew more closely to what the State allows on private farmland, such as ensuring that pesticides are applied in accordance with label restrictions and relevant regulations, the so-called “label is the law” approach.

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

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

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

**BE IT FURTHER RESOLVED**, that we strongly urge that farmers leasing public lands have the right to protect their crops from any and all pests that devalue or threaten those crops, using any method legally permissible on private farmland, including temporary and/or permanent fencing and wildlife management plans.

**BE IT FURTHER RESOLVED**, that we strongly urge the New Jersey Department of Environmental Protection to include in any leasing program for state-owned lands “to be used and managed for pollinator habitat” eligibility for farmers to apply to lease such lands to manage honeybee hives, as those are the pollinators most needed by the state’s farmers, and would significantly reduce the cost farmers incur when importing honeybees from elsewhere around the country.

**BE IT FURTHER RESOLVED**, that there is a need for farmland to remain in the agriculture industry despite its purchase and allocation to public lands, and increases in population and land development make imperative the need of useable land to remain in production.

**BE IT FURTHER RESOLVED**, that we urge discussion between the State Board, the Department, and the NJDEP in regards to the issues of purchased lands becoming overgrown areas, as well as asking the Fish and Game Council how much farmland within the state is being purchased to then be abandoned for overgrowth.