



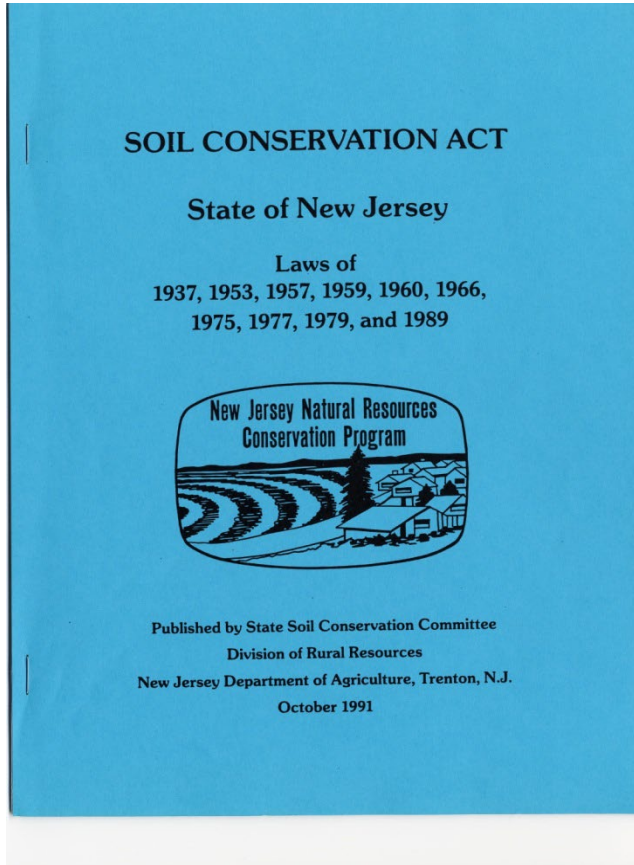
## New Jersey Department of Agriculture



## Soil Erosion and Sediment Control Program

<https://www.nj.gov/agriculture/divisions/anr/>

# Statute & Rules



ADOPTIONS	HUMAN SERVICES
<b>RULE ADOPTIONS</b>	
<b>AGRICULTURE</b>	
<b>(a)</b>	
<b>DIVISION OF AGRICULTURE AND NATURAL RESOURCES</b>	
<b>STATE SOIL CONSERVATION COMMITTEE</b>	
<b>Notice of Readoption</b>	
<b>State Soil Conservation Committee</b>	
<b>Readoption: N.J.A.C. 2:90</b>	
Authority: N.J.S.A. 4:1C-24, 4:24-3, and 4:24-42.	
Authorized By: State Soil Conservation Committee, and Edward D. Wengryn, Secretary, Department of Agriculture, and Chairman, State Soil Conservation Committee.	
Effective Date: September 19, 2024.	
New Expiration Date: September 19, 2031.	
<b>Take notice</b> that pursuant to N.J.S.A. 52:14B-5.1.c, the rules at N.J.A.C. 2:90 were scheduled to expire on November 3, 2024. These rules provide the technical and administrative standards for the Statewide implementation of soil erosion and sediment control. Additionally, the rules provide the Statewide Soil and Water Cost Share Program practices and administrative procedures.	
N.J.A.C. 2:90-1 sets forth general provisions regarding soil erosion and sediment control on land disturbance activities.	
N.J.A.C. 2:90-2 sets forth projects eligible for soil and water conservation project cost sharing.	
N.J.A.C. 2:90-3 sets forth the procedural rules for soil and water conservation project cost sharing.	
N.J.A.C. 2:90-4 sets forth the details of the agricultural conservation cost share program.	
The State Soil Conservation Committee has reviewed the rules and has determined that the rules should be readopted without change. These rules are necessary, reasonable, and proper for the purpose for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), these rules are readopted and shall continue in effect for a seven-year period.	
<b>EDUCATION</b>	
<b>(b)</b>	
<b>STATE BOARD OF EDUCATION</b>	
<b>Notice of Administrative Changes</b>	
<b>Webpage Corrections</b>	
<b>Student Residency</b>	
<b>N.J.A.C. 6A:22-4.1 and 4.2</b>	
Effective Date: September 17, 2024.	
<b>Take notice</b> that the Department of Education (Department) requested, and the Office of Administrative Law agreed to permit, the administrative change of the webpages at which Commissioner-provided student registration forms are located on the Department's website. Therefore, the Department is changing " <a href="http://www.state.nj.us/education/code/current/title6a/chap2/sample.pdf">http://www.state.nj.us/education/code/current/title6a/chap2/sample.pdf</a> " or " <a href="http://www.state.nj.us/education/code/current/title6a/chap2/sample.docx">http://www.state.nj.us/education/code/current/title6a/chap2/sample.docx</a> " to " <a href="https://www.nj.gov/education/residency/index.shtml">https://www.nj.gov/education/residency/index.shtml</a> " at N.J.A.C. 6A:22-4.1 and 4.2.	
This notice of administrative changes is published in accordance with N.J.A.C. 1:30-2.7.	
<b>Full text</b> of the changed rules follows (additions indicated in boldface text, deletions indicated in brackets [that]).	
	<b>SUBCHAPTER 4. INITIAL ASSESSMENT AND ENROLLMENT</b>
	6A:22-4.1 Registration forms and procedures for initial assessment
	(a) Each district board of education shall use Commissioner-provided registration forms (available at <a href="http://www.state.nj.us/education/code/current/title6a/chap2/sample.pdf">http://www.state.nj.us/education/code/current/title6a/chap2/sample.pdf</a> or <a href="http://www.state.nj.us/education/code/current/title6a/chap2/sample.docx">http://www.state.nj.us/education/code/current/title6a/chap2/sample.docx</a> ) ( <a href="https://www.nj.gov/education/residency/index.shtml">https://www.nj.gov/education/residency/index.shtml</a> ), or locally developed forms that:
	1. (No change.)
	(b)(i) (No change.)
	6A:22-4.2 Notices of ineligibility
	(a) When a student is found ineligible to attend the school district pursuant to this chapter or the student's initial application is found to be deficient upon subsequent review or investigation, the school district immediately shall provide to the applicant notice that is consistent with Commissioner-provided sample forms (available at <a href="http://www.state.nj.us/education/code/current/title6a/chap2/sample.pdf">http://www.state.nj.us/education/code/current/title6a/chap2/sample.pdf</a> or <a href="http://www.state.nj.us/education/code/current/title6a/chap2/sample.docx">http://www.state.nj.us/education/code/current/title6a/chap2/sample.docx</a> ) ( <a href="https://www.nj.gov/education/residency/index.shtml">https://www.nj.gov/education/residency/index.shtml</a> ) and meets requirements of this section.
	1. (No change.)
	(b) Notice of ineligibility shall include:
	1.-2. (No change.)
	3. A clear statement of the applicant's right to appeal to the Commissioner within 21 days of the notice date, along with an informational document provided by the Commissioner (available at <a href="http://www.state.nj.us/education/code/current/title6a/chap2/sample.pdf">http://www.state.nj.us/education/code/current/title6a/chap2/sample.pdf</a> or <a href="http://www.state.nj.us/education/code/current/title6a/chap2/sample.docx">http://www.state.nj.us/education/code/current/title6a/chap2/sample.docx</a> ) ( <a href="https://www.nj.gov/education/residency/index.shtml">https://www.nj.gov/education/residency/index.shtml</a> ) describing how to file an appeal.
	4.-9. (No change.)
	<b>HUMAN SERVICES</b>
	<b>(c)</b>
	<b>DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES</b>
	<b>Division of Medical Assistance and Health Services</b>
	<b>Readoption with Amendments: N.J.A.C. 10:62</b>
	Proposed: May 6, 2024, at 56 N.J.R. 725(a).
	Adopted: August 18, 2024, by Sarah Alderman, Commissioner, Department of Human Services.
	Filed: September 23, 2024, at R.2024 d.102, without change.
	Authority: N.J.S.A. 10:43-1 et seq., and 30:43-1 et seq.
	Effective Dates: September 23, 2024, Readoption;
	October 21, 2024, Amendments.
	Expiration Date: September 23, 2031.
	<b>Summary of Public Comment and Agency Response:</b>
	<b>No comments were received.</b>
	<b>Federal Standards Statement</b>
	Federal law (sections 1902(a)(10) and 1905(a) of the Social Security Act (the Act), 42 U.S.C. §§ 1396a(a)(10) and 1396a(a), respectively) governing the Medicaid and NJ FamilyCare programs authorize a State Medicaid program pursuant to Title XIX of the Act, to provide specific types of medical assistance, including physicians' services, eyeglasses, and prosthetic devices. Regulations at 42 CFR 440.50 and 440.129 also provide Federal requirements regarding physicians' services, eyeglasses, and prosthetics. Regulations at 42 CFR 441.30 provide Federal requirements regarding optometric services. The State Medicaid fee-for-



# Coordination of SCDS: State Soil Conservation Committee

- 11 members
- 6 supervisor members
- NJDEP
- Rutgers University
- Rutgers Extension
- NRCS (advisory)
- Governor's Appointee
- Secretary of Agriculture
- Program oversight
- Establishes policy, rules, regulations, and standards
- Provide interagency coordination
- Establish governing bodies of 13 districts

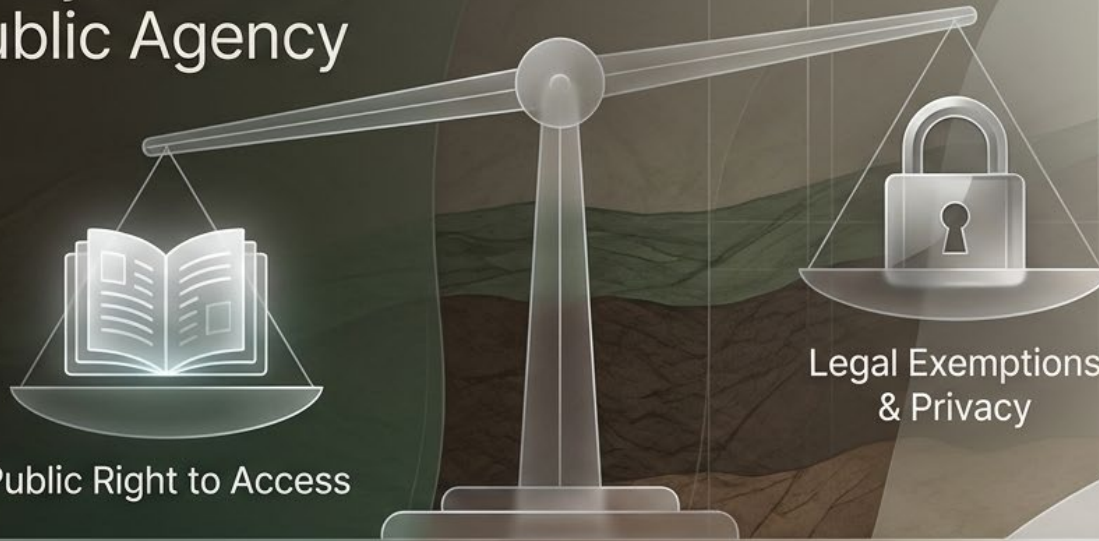


# Navigating OPRA for Soil Conservation Districts

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Mastering Government Records and the  
2024 Amendments

# Transparency, Access, and the Public Agency



Public Right to Access

Legal Exemptions  
& Privacy

## The 2002 Shift

Effective July 2002, OPRA replaced the former Right to Know Law, broadly expanding the definition of a public record.

## The Agency Label

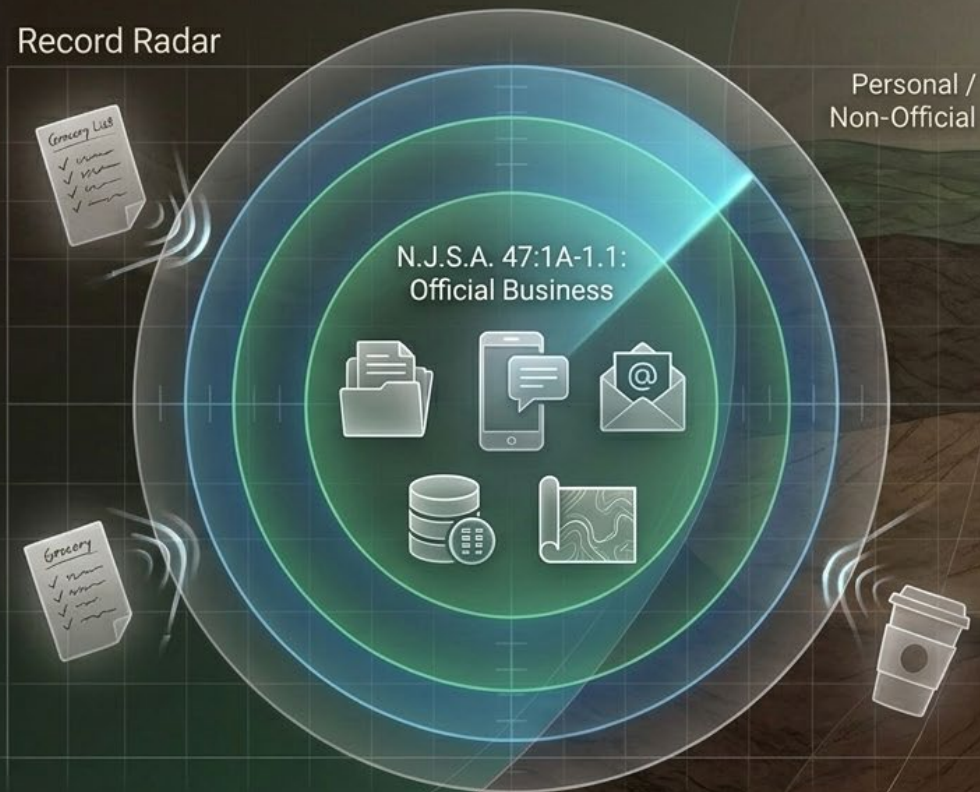
Every municipality, including specific bodies like Soil Conservation Districts (SCDs), operates as a public agency under OPRA.

## The Default Rule

The default answer to an OPRA request is always disclosure, unless a specific, legal exemption applies.

# The OPRA Definition: Beyond Paper

## Record Radar



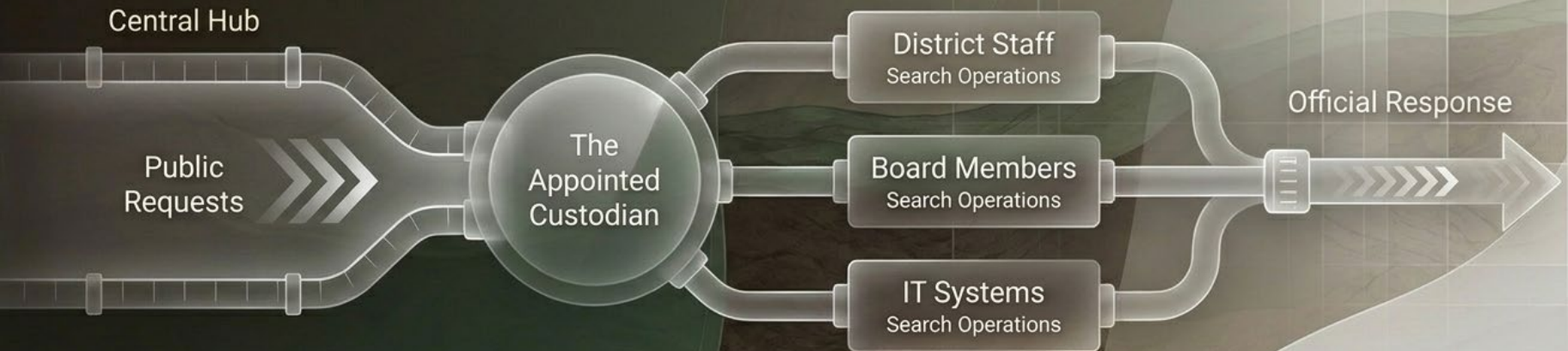
## Format is Irrelevant

If a district official uses a personal cell phone to text about Soil Conservation District business, that text message is subject to OPRA.

## The Possession Provision

If an agency does not hold a requested record but knows another agency does, the custodian must direct the requestor to the correct agency within seven business days.

# The Records Custodian: Your District's Gatekeeper



## Formal Appointment

SCDs must designate their Custodian by formal action.

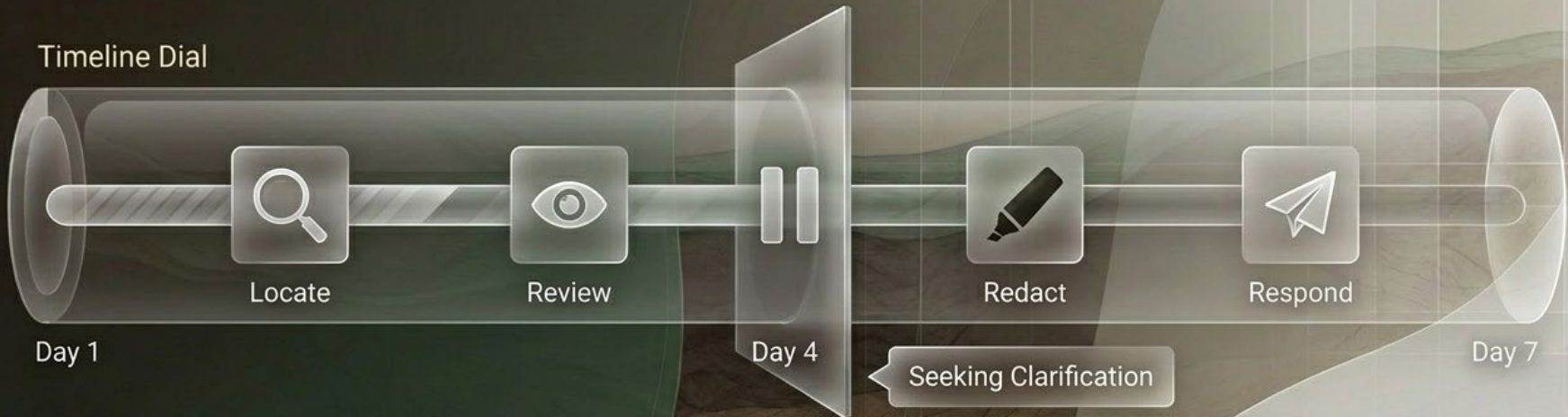
## The Substitute Rule

Best practices dictate appointing a substitute custodian. The OPRA clock does not stop for vacations or illness.

## Immediate Routing

Any non-custodian employee receiving a request (N.J.S.A. 47:1A-5(h)) must immediately forward it to the Custodian.

# The Countdown: Standard Response Timeframes



## The Deadline

Custodians have 7 business days to grant, deny, request an extension, or seek clarification.

## Stopping the Clock

Clarification must be requested in writing. The response time stops entirely until the requestor clarifies, and then the 7-day clock begins anew.

## Deemed Denial

Failure to respond by the deadline is an automatic deemed denial, opening the District to legal penalties.

# OPRA within the Soil Conservation District



## SCDs occupy a unique space.

SCDs occupy a unique space. While operating as public agencies governed by state transparency laws, they simultaneously process highly sensitive, federally protected agricultural data and private producer information. Determining what passes through the filter is the Custodian's most critical job.



Exempt  
Agricultural  
Data

# Distinct Rules for Distinct Programs

Federal Programs  
(NRCS/FSA)

**EXEMPT**

**Details:** Conservation plans and USDA National Bulletin No. 120-2-12 documents.

**Action Required:** Stop processing. Exempt from distribution to the general public. Refer the requestor to the local NRCS office.

State Programs  
(SADC / Farmland Preservation)

**CONDITIONALLY PUBLIC**

**Details:** Farmland preservation documents for transferred easements.

**Action Required:** Release, unless the application is currently in the active appraisal/negotiation process. Contact the State Agriculture Development Committee (SADC) if unsure.

# The Redaction Blueprint: Cost-Share Programs

**CCSP Application Form**

State cost-share program producer applications are accessible to the public, but mandatory privacy redactions apply. You cannot withhold the entire application.

Applicant Name: John Doe

Name: [Redacted]

Acres: 100 Acres

Crop Type: Corn / Soybeans

Plant status: [Redacted]

Phone: [Redacted]

5. Home Address: [Redacted]

1. Social Security Numbers

2. Phone Numbers

3. Home Addresses

State cost-share program producer applications are accessible to the public, but mandatory privacy redactions apply.

Rule of Partial Disclosure: If an exemption applies to a specific part of a record, the Custodian must redact only that part and release the rest of the document. You cannot withhold the entire application.

# The Times They Are A-Changin' (P.L. 2024, c.16)

## The Overhaul

On September 3, 2024, sweeping reforms to OPRA (S2930) officially took effect across New Jersey.

September  
3, 2024

## The Impact

These amendments radically alter longstanding processes for public agencies, introducing entirely new timelines, request categories, updated standardized forms, and critical new protections against harassment for records custodians.

# The New Commercial Designation

## Diverging Roadmap



## Defining Commercial

Using government records for sale, real estate, solicitation, or any use expecting a profit. Requesters must certify this intent upon submission.

## The Exemptions

Commercial purpose expressly excludes the news media, educational institutions, non-profits, and organized labor unions.

## The Mandate

Custodians must track these commercial requests on a completely separate timeline, notifying the requestor of the 14-day schedule within the first 7 days.

# Expediting Commercial Requests and Special Service Charges



## The Fast Track

Commercial requesters can pay to reduce their timeline from 14 days back down to the standard 7 days.

## The Fee Cap

The special service charge for this acceleration cannot exceed two times the cost of production.

## The Custodian's Burden

The Custodian is required to provide an itemized explanation of these fees in advance. The requestor must explicitly agree to pay the fee before the District begins the work.

# Standardization Across the State

Before



After

**GOVERNMENT RECORDS COUNCIL (GRC)**  
**MODEL RECEIPT FORM**  
Revised 03/01/04, 4/17/04 & 04/07/04

**Requester Information**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Requester: \_\_\_\_\_ Record Name: \_\_\_\_\_  
Mailing: \_\_\_\_\_  
Mailing Number: \_\_\_\_\_  
Phone: \_\_\_\_\_

**Records Requested**  
(List record sources searched; records only attractively the records requested)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Purpose Certification**

- 1. This is done for the purpose of records management and not for the purpose of litigation.
- 2. I have read the records and have determined that they are not exempt from disclosure under the Freedom of Information Act.
- 3. I have read the records and have determined that they are not exempt from disclosure under the Freedom of Information Act.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Mandatory Adoption

Public agencies are no longer allowed to use fragmented legacy forms.

You are now legally required to adopt the GRC's official model request form.

## Why it Matters

The new uniform form contains the specific questions legally required by S2930, including the mandatory commercial purpose certification.

## Action Item

Audit your District's website immediately to ensure the new GRC model form is active.

# Protections for the Public Agency



## Deflector Shield



## Fighting Substantial Disruption

S2930 empowers public agencies to push back against unreasonable requests (“any and all communications ever”). Custodians can require the requestor to narrow the scope.

## The Harassment Zone (N.J.S.A. 47:1A-5.1)

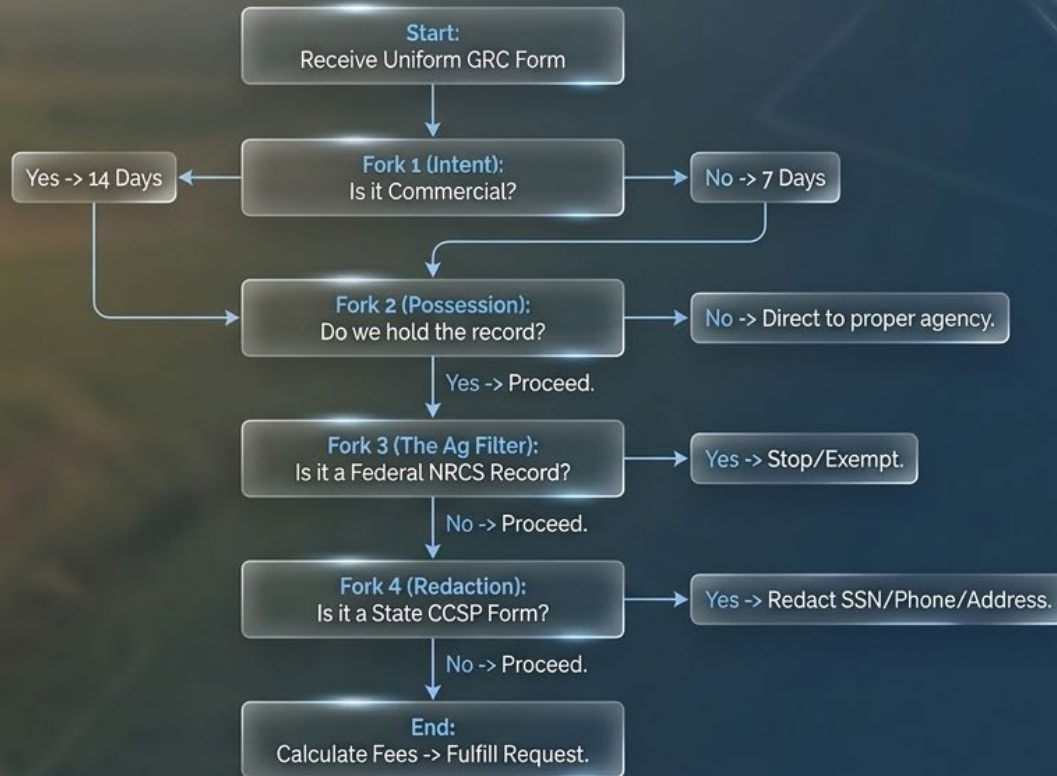
Courts can now issue protective orders limiting individuals who submit OPRA requests with the intent to substantially interrupt the performance of government function.

## The Reality

It is an extremely high legal bar, but the protection now exists to protect District operations.

# The OPRA Processing Flowchart

## The Custodian's Decision Tree



# Proceed with Confidence



## The Stakes

Unreasonable, knowing, and willful denials can result in severe fines:

- \$1,000 (1st offense)
- \$2,500 (2nd offense)
- \$5,000 (3rd offense)

**The Golden Rule:  
Never guess if you don't know.**

## Your Support Network

When processing complex, novel, or heavily redacted requests, always consult your District counsel or the State Soil Conservation Committee before the clock runs out.



**Toll-free:**  
(866) 850-0511

**Email:**  
[Government.Records@dca.nj.gov](mailto:Government.Records@dca.nj.gov)

# Open Public Meetings Act



# Purpose of OPMA

- Ensures transparency in government
- Protects the public's right to observe decision-making
- Allows closed sessions **only** for specific, limited reasons
- Prevents misuse of executive sessions

- Adopt annual schedule of meetings
- Notice to media and other parties
- Posting of Notices and Agenda
- Opportunity for public participation
  - Executive sessions
  - Procedural Requirements
    - Limited topics

# Meeting reminder notification

- **3-5 days prior to the scheduled meeting send out a meeting reminder**
  - **General attendees should be provided with a copy of the *agenda***
  - **Committee members should be sent:**
    - *Agenda*
    - *Draft meeting minutes from the previous meeting to review beforehand*
    - *Handouts relating to topics that will be discussed or voted on during the meeting*

## **Agenda content:**

### **Include a statement referencing the Open Public Meetings Act**

*Example - Pursuant to the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq., adequate notice of this meeting was provided at least 48 hours in advance, on April 7, 2026, by emailing media resources for the Star Ledger, nj.com, Cherry Hill Courier Post, courierpostonline.com, filing with the Secretary of State, and posting at the entrance of 200 Riverview Plaza, Trenton, New Jersey, a notice giving the time, date, location and, to the extent known, the agenda of this meeting, and stating whether formal action may or may not be taken.*

**AGENDA**  
**STATE SOIL CONSERVATION COMMITTEE**  
**HYBRID MEETING**  
April 13, 2026

To join the Teams meeting please use the following link: [Join the meeting now](#)  
Meeting ID: 265 300 593 089 81

Passcode: 6QW2Ak9B

To listen to the meeting (audio only): 1 (856) 338-7074 Conference ID: 468 767 516#

9:30 a.m. Call to Order

Flag Salute

Public Notice Announcement

Pursuant to the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq., adequate notice of this meeting was provided at least 48 hours in advance, on April 7, 2026, by emailing media resources for the Star Ledger, nj.com, Cherry Hill Courier Post, courierpostonline.com, filing with the Secretary of State, and posting at the entrance of 200 Riverview Plaza, Trenton, New Jersey, a notice giving the time, date, location and, to the extent known, the agenda of this meeting, and stating whether formal action may or may not be taken.

**Roll Call and Determination of Quorum**

- Minch

**Meeting Minutes from March 9, 2026**

- Wengryn

**Chairman's Comments**

- Wengryn

**Executive Secretary's Report**

- Minch

- NJDEP Stormwater Rule – Major Ag Development

**Soil Erosion and Sediment Control Act**

- Matos-Ramos/Doyle/Lund

- Exempt Municipality Review
- Engineering Report
- Report of Compliance Issuance
- Erosion Control Ordinance – Peapack-Gladstone

**Natural Resources Conservation Service Report**

- Hawkins

**Conservation Program Partners Reports**

- New Jersey Association of Conservation Districts
  - NACD report
- District Employees Association
- Department of Environmental Protection
- Rutgers Cooperative Extension
- School of Environmental and Biological Sciences

- Dovey  
- Cywinski  
- D'Allessandro  
- Contois  
- Schilling/Haberland  
- Murphy

**Public and Agency Comments**

Adjourn

**Next Meeting – June 15, 2026; Trenton**



# How to orchestrate hybrid meetings

Media Source  
entities used by

NJDA



New York/New Jersey

GANNETT

ADVANCELOCAL PO Box 2168  
Grand Rapids, MI 49501-2168

- Create meeting in a platform with a dial in option in addition to the virtual platform (Microsoft Teams, Zoom, Webex...)
- Ensure the application you use has a recording option to assist with capturing the meeting to be able to generate meeting minutes
- Create and send media notice 5-7 days prior to your scheduled meeting
- Can be in physical newspaper, yet **MUST** be on digital news source site in the legal add section; cost ranges
  - Average cost to be in a physical paper and online \$45
  - Average cost online only \$15

# Examples

AGENDA  
STATE SOIL CONSERVATION COMMITTEE  
**HYBRID MEETING**  
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## EMAIL NOTIFICATION

### **Microsoft Teams** [Need help?](#)

#### **[Join the meeting now](#)**

Meeting ID: 265 300 593 089 81

Passcode: 6QW2Ak9B

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#### **Dial in by phone**

[+1 856-338-7074,468767516#](#) United States, Camden

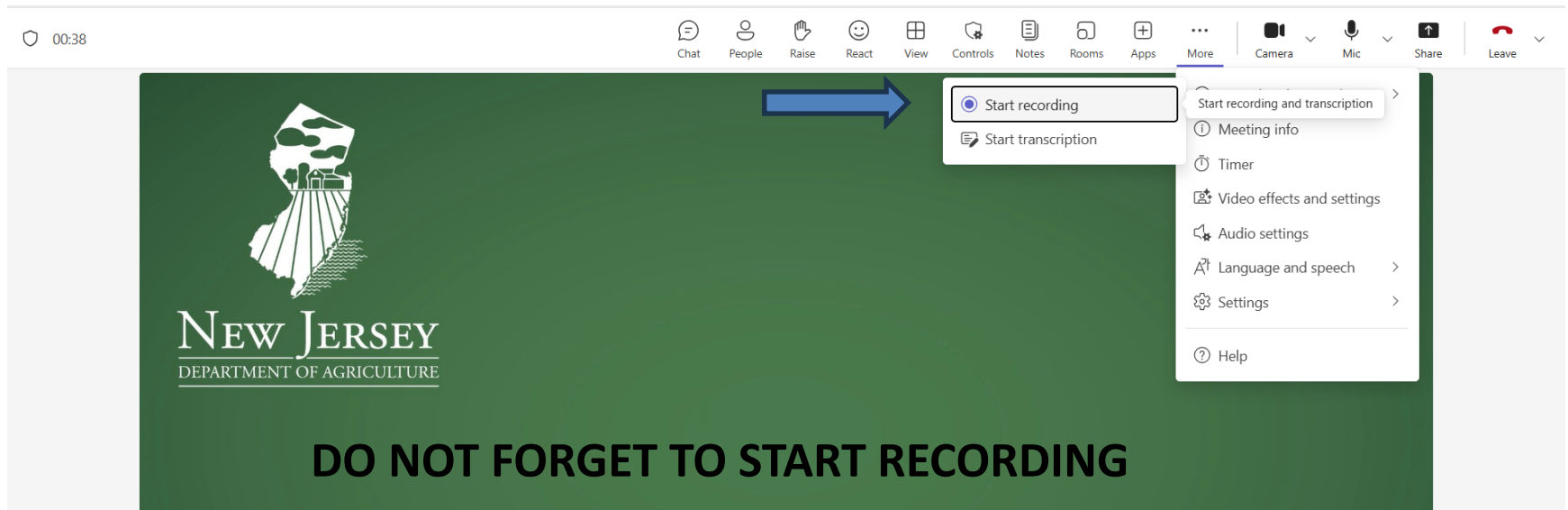
[Find a local number](#)

Phone conference ID: 468 767 516#



# During the meeting

- Mute virtual attendees
- Allow Committee members to unmute
- Answer the chat if you can, if not gain the attention of chairperson to inform them of a message



## **Closed session is the exception, not the norm**

A board may enter closed session **only if the topic fits a statutory exception** under N.J.S.A. 10:4-12(b).

If it doesn't fit → **discussion must remain public**

**OPMA allows closed session for these categories:**

- **Confidential by law**
- **Federal funding risk**
- **Privacy matters**
- **Collective bargaining**
- **Real estate / public funds**
- **Security tactics**
- **Litigation / legal advice**
- **Personnel matters**
- **Investigations**

To avoid illegal meetings under the Open Public Meetings Act (OPMA), districts are advised to implement strict non-interactive email policies that prevent a quorum of supervisors from engaging in private deliberations. Because a "meeting" includes any gathering of an effective majority via electronic communication equipment to discuss public business, casual or serial email exchanges can inadvertently trigger a violation.

Districts should use the following specific email protocols to maintain compliance:

### **1. Prohibition of "Reply-All" and Serial Debates**

Districts are instructed to explicitly prohibit the use of "reply-all" responses when a manager or clerk transmits information to the board.

This prevents a simple update from turning into a serial debate or a collective discussion. If a response from a supervisor is necessary, it must be routed individually and must not involve any decision-making or deliberative function.



## **2. Avoidance of "Rolling" Conversations**

Policies must strictly forbid "rolling" email conversations, which occur when one member or a staffer contacts supervisors individually to successively discuss a matter or gain opinions. Such exchanges are viewed as an attempt to circumvent the law by building a consensus in private, which can lead to formal actions being characterized as "rubber-stamped" in public after having been improperly decided in secret.

## **3. One-Way Information Flow**

The electronic dissemination of information, such as sending out meeting packets or supplemental materials, is generally permitted as a one-way flow of information. To ensure this remains legal: Emails should be used strictly for delivering information rather than soliciting feedback.

Districts are advised to include a disclaimer in the body of emails sent to the entire board stating that there should be no "reply-all" or other communication contrary to the OPMA.



#### **4. Limited Two-Way Communication**

While communication among less than a quorum (e.g., a subcommittee) is generally exempt, these dialogues must be strictly monitored to ensure they do not expand into a "rolling" discussion that eventually includes an effective majority of the body.

#### **5. Use of Third-Party Intermediaries**

When information must be gathered, it is often routed through a third party, such as a district manager or clerk. However, the OPMA still applies if this third party is used to facilitate a serial discussion among a quorum; using an intermediary does not change the fundamental requirements of the act.

# Questions

