

# RULE ADOPTIONS

## AGRICULTURE

### (a)

#### DIVISION OF AGRICULTURE AND NATURAL RESOURCES

##### Notice of Readoption

##### Agricultural Development in the Highlands

##### Readoption: N.J.A.C. 2:92

Authority: N.J.S.A. 13:20-1 et seq., specifically 13:20-29.

Authorized By: The State Board of Agriculture and Douglas H. Fisher, Secretary, Department of Agriculture.

Effective Date: January 24, 2020.

New Expiration Date: January 24, 2027.

**Take notice** that pursuant to N.J.S.A. 52:14B-5.1.c, the rules at N.J.A.C. 2:92 were scheduled to expire on March 1, 2020. The Department of Agriculture (Department) has reviewed the rules and has determined them to be necessary, reasonable, and proper for the purpose for which they were originally promulgated. The rules are readopted without amendment and shall continue in effect for a seven-year period.

The rules set forth standards for agricultural and horticultural development in the Highlands Preservation Area. Any agricultural or horticultural development in the Preservation Area that would result in the increase of three percent or more of new agricultural impervious cover to the total land area of a Farm Management Unit (either individually or cumulatively) since the enactment of the Highlands Act (August 10, 2004) will require the farm owner or operator to develop and obtain Soil Conservation District (SCD) approval of a Farm Conservation Plan, prior to the start of development.

Subchapter 1 describes the purpose of the rules as they apply to farm management units within the Highlands Preservation Area.

Subchapter 2 establishes definitions for terms that are used throughout the chapter.

Subchapter 3 establishes that a Farm Conservation Plan must be developed prior to any agricultural or horticultural development on a Farm Management Unit that will result in at least three percent but less than nine percent new agricultural impervious cover to its total land area (either individually or cumulatively). The Farm Conservation Plan shall be consistent with the NJ-FOTG, and shall contain information such as a soil map, an aerial photograph or diagram of the field, a list of conservation practices to be implemented, and any other site-specific information necessary for plan certification. This subchapter also provides that local Soil Conservation Districts shall review and decide whether to approve such Farm Conservation Plans. Aggrieved parties may appeal an adverse decision in accordance with the Administrative Procedure Act.

Subchapter 4 establishes that a Resource Management System Plan must be developed prior to any agricultural or horticultural development on a Farm Management Unit that will result in new agricultural impervious cover of at least nine percent of its total land area (either individually or cumulatively). The Resource Management System Plan shall be consistent with the NJ-FOTG, and shall contain information such as a soil map, an aerial photograph or diagram of the field, a list of conservation practices to be implemented, and any other site-specific information necessary for plan certification. The plan shall be submitted to the Soil Conservation District, who must transmit a copy to the Department of Environmental Protection (DEP). The DEP must approve the plan with or without conditions or deny it within 60 days of receipt. If the Soil Conservation District approves the plan, it shall transmit the approved plan to the State Soil Conservation Committee. The plan must also be sent to the State Agricultural Development Committee if the property is part of a preservation program. An aggrieved party may appeal an adverse decision in accordance with the Administrative Procedure Act.

Subchapter 5 establishes the penalty and enforcement provisions for the chapter. Violations of N.J.S.A. 13:20-29.a, N.J.A.C. 2:92-1, or the

requirements of a Farm Conservation Plan or a Resource Management System Plan may result in civil penalties of up to \$5,000. The Department or the local Soil Conservation District may seek injunctions in Superior Court. Civil administrative penalties are calculated according to whether violations are considered “minor,” “moderate,” or “major.” The Department may adjust civil administrative penalties based upon factors such as a violator’s compliance history or any unusual or extraordinary costs or impacts resulting from a violation. Any person aggrieved by the Department’s determination may appeal pursuant to the Administrative Procedure Act.

## EDUCATION

### (b)

#### STATE BOARD OF EDUCATION

##### Commissioner

##### Reporting Responsibilities

##### Adopted Amendment: N.J.A.C. 6A:2-2.4

##### Adopted Repeal and New Rule: N.J.A.C. 6A:2 Appendix

Adopted: February 6, 2020, by the State Board of Education, Lamont O. Repollet, Ed.D., Commissioner, Department of Education and Secretary, State Board of Education.

Filed: February 6, 2020, as R.2020 d.032.

Authority: N.J.S.A. 18A:4-22 and 52:14B-3(1).

Effective Date: February 6, 2020.

Expiration Date: June 8, 2025.

This organizational rule is excepted from the notice and public comment requirements of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and is effective upon filing with the Office of Administrative Law, pursuant to N.J.S.A. 52:14B-4(b).

**Full text** of the adoption follows (additions indicated in the boldface **thus**; deletions indicated in brackets [thus]):

#### SUBCHAPTER 2. ORGANIZATION OF THE DEPARTMENT

##### 6A:2-2.4 Reporting responsibilities

(a) The following senior managers report directly to the Commissioner:

1. The Chief of Staff/Assistant Commissioner for the Division of Executive Services. The following organizational units and/or their chief officers report directly to the Chief of Staff/Assistant Commissioner for the Division of Executive Services:

i. The Deputy Assistant Commissioner—Executive Services. The following organizational units and their chief officers report directly to the Deputy Assistant Commissioner—Executive Services:

[(1) The Director of the Office of Public Affairs;]

[(2)] **(1) The Director of the Office of [Media Relations and Strategic Outreach] Communications; and**

[(3)] **(2) (No change in text.)**

ii. The Deputy Chief of Staff—[Administrative Services] **Capital Resources**. The following organizational units and their chief officers report directly to the Deputy Chief of Staff—[Administrative Services] **Capital Resources**:

(1) The Director of the Office of [Administration] **Human Capital Resources**; [and]

(2) The Director of the Office of Human [Resources] **Capital Talent Services**; and

**(3) The Director of the Office of Human Capital Professional Development and Research;**

iii.-viii. (No change.)