

recipient of funds must certify that all information provided is true, accurate, and complete.

The Department of Agriculture 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, these rules are readopted and shall continue in effect for a seven-year period.

(a)

DIVISION OF MARKETING AND DEVELOPMENT

**Notice of Readoption
Agricultural Fairs**

Readoption: N.J.A.C. 2:33

Authority: N.J.S.A. 5:8-121 et seq.

Authorized By: The State Board of Agriculture and Joseph Atchison III, Assistant Secretary, Department of Agriculture.

Effective Date: October 2, 2023.

New Expiration Date: October 2, 2030.

Take notice that pursuant to N.J.S.A. 52:14B-5.1.c, the rules at N.J.A.C. 2:33 were scheduled to expire on April 17, 2024.

In accordance with N.J.S.A. 5:8-121, the State Board of Agriculture may provide for agricultural fairs and exhibitions.

N.J.A.C. 2:33-1.1(a) requires each “Official Agricultural Fair” to hold, at one site, an agricultural exhibit for the promotion and development of agriculture or agribusiness in and of that county. N.J.A.C. 2:33-1.1(b) requires that the fairs conduct at least two additional activities related to manufacturing, commerce, and industry; community development and improvement; promotion of products and services; public service events and projects; county interest projects; cultural works and collections of art; other activities for the benefit of the community; and/or recreational activities. N.J.A.C. 2:33-1.1(c) requires each “Official Agricultural Fair” to obtain certification from the Department of Agriculture (Department) as a condition of operation.

Additionally, N.J.A.C. 2:33-1.2(a) requires each certified “Official Agricultural Fair” to furnish a detailed fair status report to the Department of Agriculture, and to comply with all governmental health, fire, and police regulations, and requires each certified fair to furnish, on request, a copy of the fair audit report in the event State funds are made available to the fair. N.J.A.C. 2:33-1.2(b) authorizes access to the fair premises by the Department of Agriculture to determine compliance with this chapter.

N.J.A.C. 2:33-1.3(a) requires applicants for “Official Agricultural Fair” certification to file their proposal to the Department by September 1 of the year preceding the year in which the fair is to be held. It also requires a copy be submitted to the county board of agriculture for comment. N.J.A.C. 2:33-1.3(b) requires the county board of agriculture to submit comments to the Department on such proposal by November 1 of the preceding year. N.J.A.C. 2:33-1.3(c) requires the State Board of Agriculture to approve or deny certification after consideration of the proposal and comments from the county board of agriculture. N.J.A.C. 2:33-1.3(d) requires new applicants to produce the event for one year in compliance with this chapter, and further provides that the fair will be eligible for certification the following year after receiving a positive evaluation from a person appointed by the Secretary of Agriculture to make such evaluation.

Finally, N.J.A.C. 2:33-1.4(a) creates a method for distribution of funds in the event that State funding is available for the “Official Agricultural Fairs.” However, the last year that any such fairs received State funding was 1990.

The Department of Agriculture 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, these rules are readopted and shall continue in effect for a seven-year period.

(b)

DIVISION OF MARKETING AND DEVELOPMENT

**Notice of Readoption
Equine Advisory Board**

Readoption with a Technical Change: N.J.A.C. 2:34

Authority: N.J.S.A. 5:5-88.

Authorized By: The State Board of Agriculture and Joseph Atchison III, Assistant Secretary, Department of Agriculture.

Effective Dates: October 2, 2023, Readoption;
November 6, 2023, Technical Change.

New Expiration Date: October 2, 2030.

Take notice that pursuant to N.J.S.A. 52:14B-5.1.c, the rules at N.J.A.C. 2:34 were scheduled to expire on March 22, 2024.

These rules are a compilation of the procedures used to regulate the non-racing breeder award program and the New Jersey Bred All Breed Horse Show. The purpose of these rules is to provide definitions of eligibility, classes, fees, and procedures for the determination of awards from equine promotion monies collected pursuant to N.J.S.A. 5:5-88.

These rules set forth the qualifications for year-end non-racing breeder awards, including the number of show entries required for eligibility. These rules also set forth the provisions for conduct of the New Jersey Bred All Breed Horse Show, including payment of registration fees, Coggins test reporting, compliance with National Association rules, requirements for receiving prize money, and the conduct of appeals.

The Department of Agriculture has reviewed the rules and has determined that the rules should be readopted with one technical change, to delete the name “Alfred Murray” set forth at N.J.A.C. 2:34-2.2(b)1, who is identified as “Director, Division of Marketing and Development,” as he has retired from his employment with the Department of Agriculture. 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, these rules are readopted and shall continue in effect for a seven-year period.

Full text of the technical change follows (deletion indicated in brackets [thus]):

SUBCHAPTER 2. EQUINE ADVISORY BOARD RULES

2:34-2.2 Conduct of the New Jersey Bred All Breed Horse Show and designated breed shows

(a) (No change.)

(b) Any person who wishes to appeal any provisions of this section shall do so within 20 days of the horse show date or within 20 days of notification to owners of a decision. Such person shall, upon written request transmitted to the Department, be afforded the opportunity for a hearing thereon in the manner provided for contested cases pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

1. Requests for hearings shall be sent to [Alfred Murray,] Director, Division of Marketing and Development, N.J. Department of Agriculture, PO Box 330, Trenton, New Jersey 08625-0330.

2. (No change.)

(c)

**STATE AGRICULTURE DEVELOPMENT
COMMITTEE**

**Notice of Readoption
State Agriculture Development Committee Rules**

Readoption: N.J.A.C. 2:76-1 through 24

Authority: N.J.S.A. 4:1C-5f.

Authorized By: Susan E. Payne, Executive Director.

Effective Date: October 2, 2023.

New Expiration Date: October 2, 2030.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 2:76 were scheduled to expire on December 2, 2023.

N.J.A.C. 2:76-1 provides for the establishment of agricultural development areas.

N.J.A.C. 2:76-2 sets forth the procedures for recommending agricultural management practices and procedures for determining site specific agricultural management practices and conflicts between aggrieved persons and commercial farm operations, pursuant to the Right to Farm Act.

N.J.A.C. 2:76-2A recommends generally accepted agricultural operations and practices eligible for protection pursuant to the Right to Farm Act.

N.J.A.C. 2:76-2B establishes supplemental agricultural management practices eligible for protection pursuant to the Right to Farm Act.

N.J.A.C. 2:76-3 provides for the creation of farmland preservation programs by eligible landowners pursuant to the Agriculture Retention and Development Act.

N.J.A.C. 2:76-4 provides for the creation of municipally approved farmland preservation programs pursuant to the Agriculture Retention and Development Act.

N.J.A.C. 2:76-5 sets forth how a landowner, or a farm operator as an agent for the landowner, whose land is within a farmland preservation program, can apply for and receive grants for soil and water conservation projects on their farms.

N.J.A.C. 2:76-6 provides the procedures for the acquisition of development easements on farmland.

N.J.A.C. 2:76-7 sets forth the criteria for the review of nonagricultural development projects in agricultural development areas.

N.J.A.C. 2:76-8 provides for the acquisition of farmland in fee simple title by the State Agriculture Development Committee ("Committee" or "SADC") and for grants by the Committee to local government entities that acquire fee simple title to farmland.

N.J.A.C. 2:76-9 establishes rules for the emergency acquisition by the Committee of development easements on farmland.

N.J.A.C. 2:76-10 sets forth the rules applicable to independent professional appraisers when conducting appraisals of farmland for the purpose of local or State acquisition of development easements.

N.J.A.C. 2:76-11 provides the procedures for the Committee's direct acquisition of development easements.

N.J.A.C. 2:76-12 provides eligibility requirements for the acquisition of, and Committee grants for, development easements on and fee simple title to farmland by nonprofit organizations.

N.J.A.C. 2:76-13 describes the application process for nonprofit organization acquisition of development easements on and fee simple title to farmland.

N.J.A.C. 2:76-14 sets forth how the Committee ranks a nonprofit organization application pursuant to Subchapter 13.

N.J.A.C. 2:76-15 provides for the Committee's determination of eligible land costs and Committee grants related to the nonprofit organization's acquisition of a development easement on or fee simple title to farmland.

N.J.A.C. 2:76-16 requires that, in connection with the nonprofit organization's acquisition project, the nonprofit organization and Committee enter into a project agreement, and describes how the Committee's disbursement of the grant will be made and the conditions of the disbursement, and the nonprofit organization's accounting and recordkeeping responsibilities.

N.J.A.C. 2:76-17 and 17A establish the standards by which the Committee furnishes planning incentive grants to counties and municipalities, respectively, for the acquisition of development easements on farmland.

N.J.A.C. 2:76-18 sets forth the rules governing the agricultural mediation program.

N.J.A.C. 2:76-19 provides for the valuation of development easements in the Pinelands.

N.J.A.C. 2:76-20 sets forth how landowners in farmland preservation programs can apply for and receive grants from the Committee for farmland stewardship projects.

N.J.A.C. 2:76-21 sets forth criteria by which the SADC can provide grants to counties for the administration of the development easement acquisition program and the planning incentive grant program.

N.J.A.C. 2:76-22 and 22A provide rules for the issuance of permits to allow rural microenterprise activities on preserved farmland, and the historic and cultural character and heritage preservation requirements for such activities, respectively.

N.J.A.C. 2:76-23 establishes procedures and requirements for the installation and operation of a personal wireless service facility on preserved farmland.

N.J.A.C. 2:76-24 sets forth the procedures and requirements for the installation and operation of solar energy facilities on preserved farmland.

Subchapters 25 and 26 are reserved.

N.J.A.C. 2:76-27 sets forth rules pertaining to the pilot program for winery special occasion events on preserved farmland and was established pursuant to P.L. 2014, c. 16, as amended at P.L. 2018, c. 30. P.L. 2014, c. 16 sets forth that the statutory authority for the pilot program was set to expire on March 1, 2018. P.L. 2018, c. 30, extended the expiration date of the authority for the pilot program to May 30, 2020, therefore, the Committee no longer has the authority to have a pilot program and Subchapter 27 is not readopted as part of this rulemaking.

The Committee has reviewed the remainder of N.J.A.C. 2:76 and has determined that the chapter remains necessary, proper, reasonable, efficient, understandable, and responsive to the purposes for which it was originally promulgated, as amended and supplemented over time, and should be readopted without change. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), timely filing of this notice extends the expiration date of the chapter seven years from the date of filing.

COMMUNITY AFFAIRS

(a)

DIVISION OF CODES AND STANDARDS

Notice of Administrative Correction Residential Site Improvement Standards

N.J.A.C. 5:21-1.13

Effective Date: September 25, 2023.

Take notice that the Department of Community Affairs (Department) discovered incorrect references within the Residential Site Improvement Standards (RSIS), specifically at N.J.A.C. 5:21-1.13, Changes to the standards.

The incorrect references occur on a form labeled, Residential Site Improvement Standards Code Change Proposal, included at N.J.A.C. 5:21-1.13. The incorrect references pertain to the Department address and fax delivery information, which includes a former employee of the Department. For accuracy, this notice of administrative correction deleted the references to the former employee. In addition to the deletion, the formatting on the form has been changed for clarity.

The Department has requested, and the Office of Administrative Law has agreed to, such correction be made administratively. This notice of administrative correction is published pursuant to N.J.A.C. 1:30-2.7.

Full text of the corrected rule follows:

(Agency Note: The text at N.J.A.C. 5:21-1.13 Appendix below includes permanent boldface and bracketing not intended to indicate changes; the appendix appears below in the "as final" format.)

SUBCHAPTER 1. GENERAL GUIDELINES

5:21-1.13 Changes to the standards

(a)-(f) (No change.)