

New Jersey State
Agriculture Development Committee

Soil Protection Standards

SADC Meeting
April 27, 2023



	June 2022 Rule Proposal	Current Proposal
Disturbance limit:	12% of preserved farm, or 4 acres – whichever is greater	12% of preserved farm, or 4 acres – whichever is greater OR An additional 2% or 1 acre over existing disturbance (beneficial for farms approaching or over the limit)
Existing farms over the limit:	No enforcement action; no additional disturbance	See above
Waiver limit:	Maximum disturbance up to 15% or 6 acres	No change
Waiver eligibility:	<ul style="list-style-type: none"> Only farms within 50% of the limit (at the time of rule) are eligible Eligibility ends with transfer of farm (except to a family member) 	<ul style="list-style-type: none"> <u>ALL</u> farms preserved prior to rule eligible for a waiver Eligibility runs with the land
Waiver requirements:	Implementation of a farm conservation plan	Use a “Stewardship approach” requiring implementation of enhanced resource protections for water, soil, forests/woodland

	June 2022 Rule Proposal	Current Proposal
Transfer of disturbance:	“Contiguous cluster” of disturbance on adjacent preserved farms permitted	No change
Compacted livestock confinement areas:	Counted as disturbance	Now an exempt practice (not disturbance)
Vegetated parking and storage areas:	Exempt (not disturbance), but not captured in mapping	New mapping category assigned to match rule exemption (not disturbance)

SUBCHAPTER 25. SOIL DISTURBANCE ON PRESERVED FARMLAND

§ 2:76-25.1	Applicability
§ 2:76-25.2	Purpose
§ 2:76-25.3	Definitions
§ 2:76-25.4	Exemptions
§ 2:76-25.5	Limitation
§ 2:76-25.6	Waiver
§ 2:76-25.7	Aggregation and consolidation
§ 2:76-25.8	Division of the premises
§ 2:76-25.9	Soil rehabilitation application and certification procedures
§ 2:76-25.10	Soil protection mapping and monitoring
§ 2:76-25.11	Enforcement
§ 2:76-25.12	Open public meeting; Committee delegation to the Executive Director
§ 2:76-25.13	Severability

SUBCHAPTER 25A. SUPPLEMENTAL SOIL DISTURBANCE STANDARDS

§ 2:76-25A.1	Applicability
§ 2:76-25A.2	Purpose
§ 2:76-25A.3	Definitions
§ 2:76-25A.4	On-farm utilities construction
§ 2:76-25A.5	Topsoil stockpiling
§ 2:76-25A.6	Vegetative cover
§ 2:76-25A.7	Construction standards for expedited production waivers
§ 2:76-25A.8	Low impact disturbance design criteria
§2:76-25A.9	Soil rehabilitation plan requirements
§2:76-25A.10	Severability

Exemptions from SPS

Alteration

1. Cranberry bogs/beds;
2. Deep tillage;
3. Existing open ditches;
4. Existing ag water impoundments;
5. Nominal smoothing;
6. On-farm utilities;
7. Rehabilitated soils;
8. Topsoil stockpiles;
9. Underground drainage systems;

Surfacing

1. Geotextile fields;
2. Hoophouses;
3. Nominal tents;
4. Organic mulch;
5. Rehabilitated soils;
6. Solar panels;
7. Temporary geomembranes;
8. Temporary ground protection mats;
9. Temporary movable structures;
10. Temporary tents;

Compaction

1. Normal tillage;
2. Rehabilitated soils;
3. Temporary parking areas;
4. Temporary storage areas;
5. **Unimproved livestock areas;**
6. Unimproved travel lanes.



Limitation

12% / 4 acres

OR

An additional 2% / 1 acre over disturbance on map

2%/ 1 acre Option – Everyone Can Grow

- Permission required from SADC (need to apply)
- 60 days to dispute map
- Unlimited time to apply for additional allocation
- No longer need for "nonenforcement" provision



Two Types of Waivers:

1. Production waiver: 15% or 6 acres
2. Innovation waiver: No limit

Both waivers require implementation of "Stewardship Conservation Plan" - to conserve soil, water and forest resources on the remainder of the farm



Waiver Eligibility

- Deed compliance
- Ag purpose, positive impact on productivity
- Does not cause problems with
 - Drainage
 - Runoff
 - Water Infiltration
 - Erosion
 - Soil contamination
 - Continued ag use



Stewardship Conservation Planning (SCP)



- NRCS standard
- Focus on soil and water resources
- Riparian zones
- Forest stewardship plan
 - 5 Acres contiguous
 - Minimum 120 feet wide
- Long-term maintenance



Waiver Project Implementation Schedule

No new disturbance until:

- Year 1 engineering practices in SCP installed
- On schedule with remaining SCP practices
- Approved forest stewardship plan, if applicable

Waiver Type 1: Production Waiver

- Disturbance to 15% or 6ac, whichever is greater
- Eligibility
 - All farms under 15%/6 ac
 - Existing and future preserved farms
 - Eligibility runs with the land



Construction Standards:

Two Paths for Production Waivers

1. "Expedited production waiver"

- Limited in scope
- Intended to simplify the process for standard projects
- Ex: gravel parking area



2. "Low impact disturbance design criteria"

- Open ended
- No prohibition on specific disturbances
- Requires a professional
- Ex: new building on a slope



Waiver Type 2: Innovation Waiver



- Maintains minimum vegetative cover
- Does not cause excessive soil compaction
- Does not cause any soil resource concerns, including soil alteration
- Any soil surfacing proposed can be deployed and readily removed without causing negative impacts to all soil resources, including topsoil

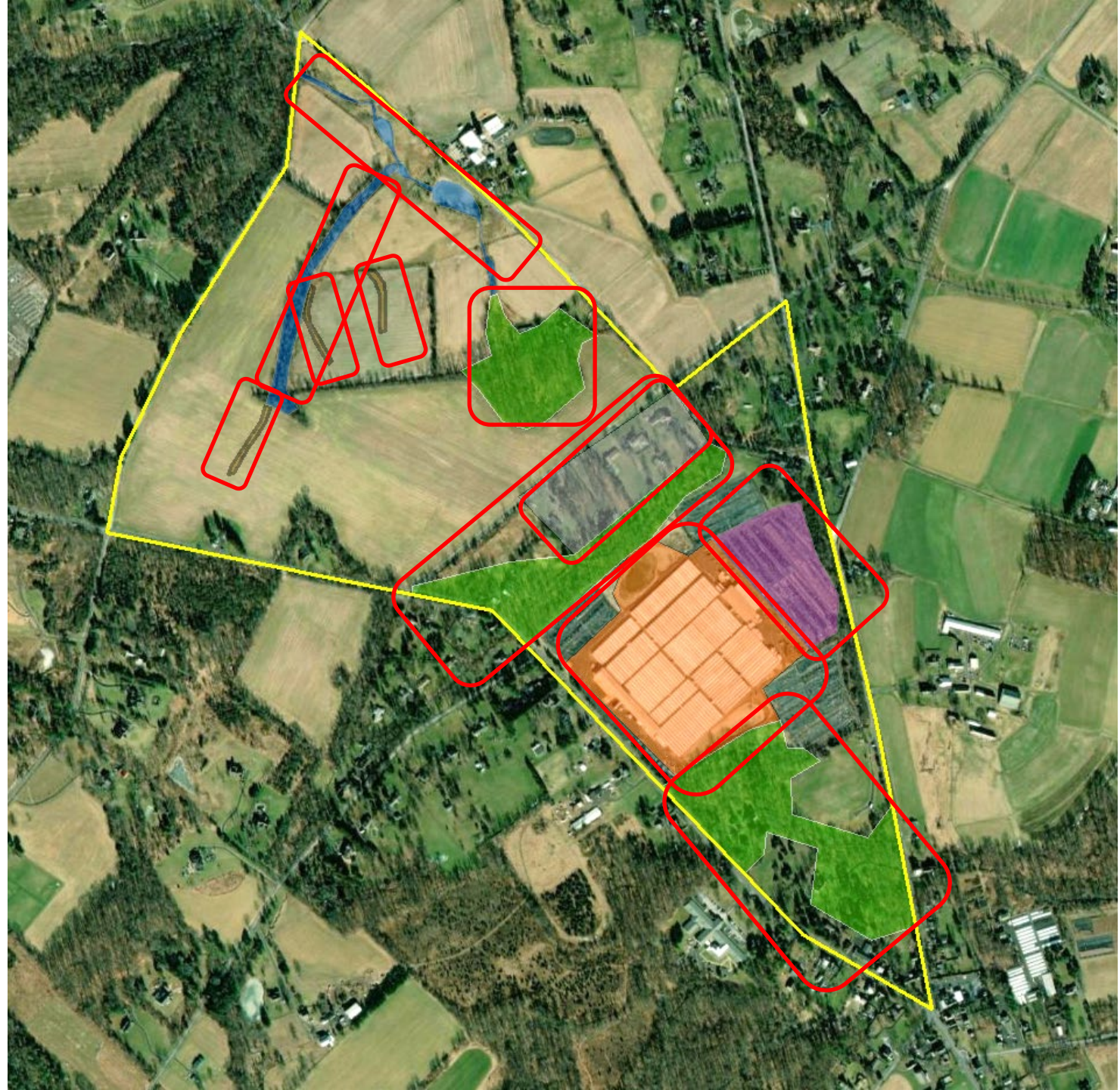
Conditions of the Waiver Approval

- Waiver may be revoked if conditions are not maintained
- Area would need to be rehabilitated



Hypothetical Farm

- 235 acre farm
 - 9 acre exception
- 25 acres of existing greenhouses
(11% disturbance)
- Wants to build 7 acres of new greenhouses
(14% disturbance)
- 33 acres of forest land
- Riparian area around stream and ponds
- Gully erosion



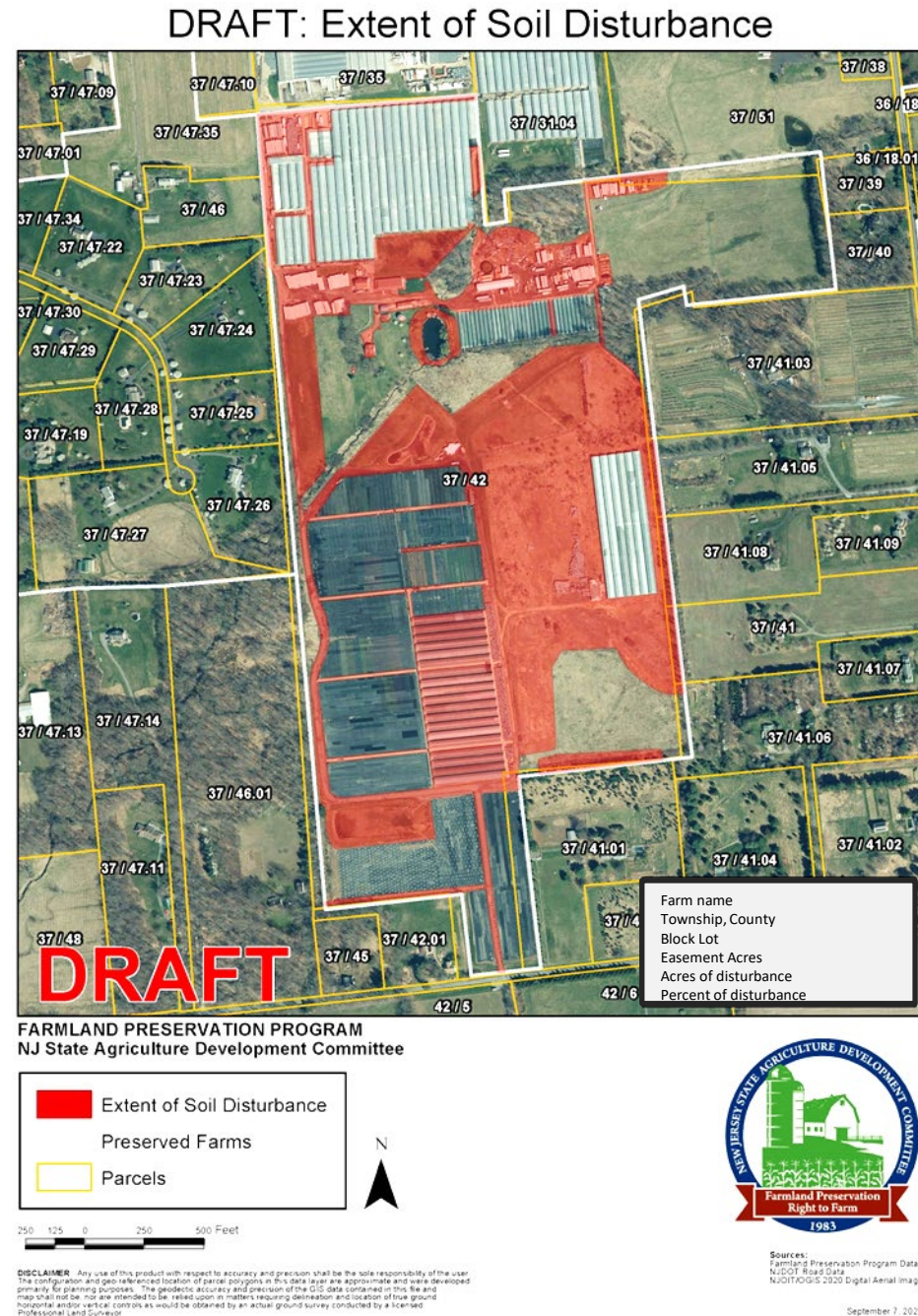
Soil Disturbance Mapping

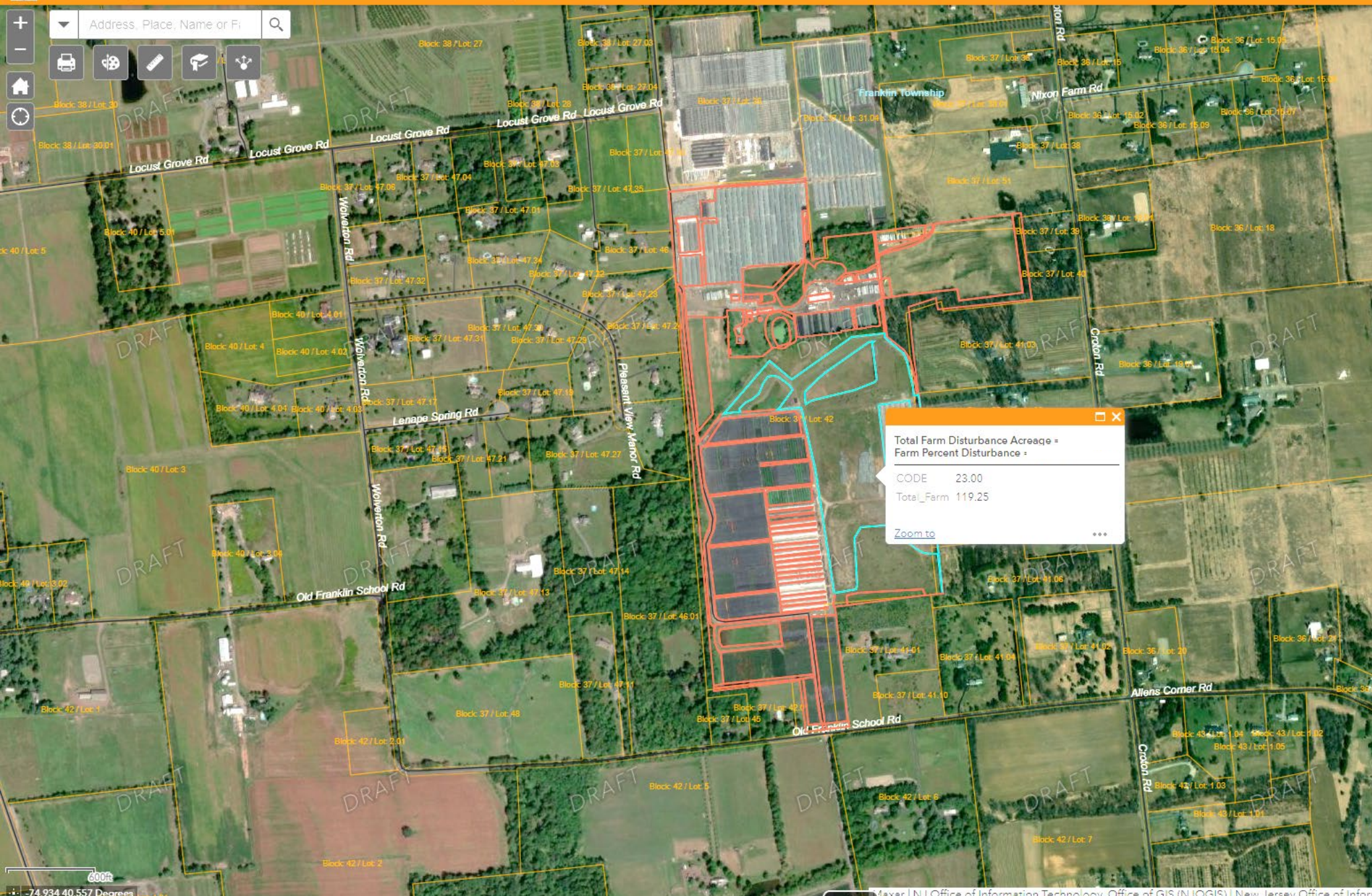
Baseline maps will be provided to Grantee and Landowner:

1. Maps depict soil disturbance (red) and non-soil disturbance
2. Landowners who wish to apply for an additional 2%/1 acre option must dispute the map within 60 days of rule adoption if they disagree with mapping
3. Otherwise, landowners may appeal map at any time
 - Extent of disturbance
 - Classification of disturbance
4. Link to online version of the map for additional detail

Hard-Copy Maps

Mailed to landowners





Query

TasksResults

Preserved Farm Land Use Features_Query resu

Displayed features: 83/83

CODE3.00

Total_Farm119.25

Total Farm Disturbance Acreage = Farm Percent Disturbance =

CODE3.00

Total_Farm119.25

Total Farm Disturbance Acreage Farm Percent Disturbance

CODE3.00

Total_Farm119.25

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Total Farm Disturbance Acreage Farm Percent Disturbance

CODE6.00

Total_Farm119.25

Total Farm Disturbance Acreage Farm Percent Disturbance

CODE7.00

Total_Farm119.25

Total Farm Disturbance Acreage Farm Percent Disturbance

CODE7.00

Total_Farm119.25

Monitoring

- Annual monitoring – reporting requirements
 - Increase in new disturbance of 2 acres or more
 - Farms within 50% of the limit: description of new disturbances, approximate size, and photos
 - Farms within 75% of the limit (notice within 60 days)
- Additional monitoring by SADC staff for farms that received a waiver.

Next Steps

- ✓ Staff to meet with stakeholders to share proposed rule provisions
- ✓ Complete draft final rule language
- ✓ Subcommittee final review
- **SADC preliminary review**
- Gov. office review and approval
- SADC approval as a proposed rule
- Publication in NJ Register as proposal
- Public comment period
- SADC response to comments
- SADC approval for final publication in register
- Publication in NJ Register as adopted rule