

Soil Disturbance on Preserved Farms

In February 2025, the State Agriculture Development Committee (SADC) adopted regulations ensuring that preserved farmland is managed in a way that protects the farm's soil and water resources, as well as its agricultural use, in perpetuity. The regulations, known as the "Soil Protection Standards," define what kinds of activities constitute soil disturbance, set limits on how much of the farm can be disturbed, and provide landowners with an opportunity to successfully rehabilitate previously disturbed soils, subject to required approvals.

All farms enrolling in the NJ Farmland Preservation Program after October 1, 2024 are permitted a maximum soil disturbance of 12% of the preserved farm or 4 acres, whichever is greater, for soil disturbing activities that are otherwise permitted by the Deed of Easement (DOE). Soil disturbance within exception areas does not count toward the maximum allowable limits.

The purpose of the rules is to clarify two existing deed of easement provisions: (1) the right to conduct agricultural development and (2) the obligation to conserve soil and water resources on preserved farms. The definition of soil disturbance includes three broad land uses, with some related examples:

- soil surfacing: gravel; pavement; buildings
- soil compaction: a farmyard; equipment parking
- soil alteration: cut/fill; grading

A list of traditional farming practices **exempt** from the disturbance calculation, provided they meet other specific definitions in the rule, are listed on the back of this document. There are also exemptions for agricultural practices meeting certain conservation standards, innovative agricultural practices, and the rehabilitation of existing soil disturbance.

At the initial stage of the application process, landowners will receive a map delineating the soil disturbance on their farm. The maps are created based on aerial imagery, so a site visit may be necessary to address any discrepancies between the map and actual field conditions.

What is the Difference between Soil Disturbance and Impervious Cover?

The soil disturbance rules are meant to limit activities that are detrimental to soil conservation and the continued agricultural use of the land, including soil compaction, surfacing and alteration. Impervious cover generally refers to activities that prevent water infiltration into soil. Not all activities that are defined as soil disturbance are also impervious cover. For example, a stormwater basin is considered a soil disturbance but is not impervious.

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Agricultural Practices Exempt from Soil Disturbance Calculations*:

- Cranberry bogs/beds;
- Deep tillage;
- Preexisting open ditches, as reflected on Spring 2023 aerial Imagery;
- Preexisting agricultural water impoundments, as reflected on Spring 2023 aerial Imagery;
- Geotextile/woven fabric fields;
- Hoophouses, including those placed on geotextile fields, without soil alteration, soil surfacing, or soil compaction;
- Normal tillage;
- Nominal smoothing;
- Nominal tents;
- On-farm utilities;
- Organic mulch;
- Rehabilitated soils;
- Solar panels;
- Storage of naturally derived materials produced on the premises, or required for use on the premises within a 12-month period, and which is not otherwise associated with soil alteration, soil surfacing, or soil compaction. "Naturally derived materials" include, but are not limited to, hay bales, lime, silage, compost, wood chips, and manure;
- Temporary geomembranes (plasticulture/silage wraps);
- Temporary ground protection mats;
- Temporary movable structures;
- Temporary parking areas;
- Temporary storage areas;
- Temporary tents;
- Topsoil stockpiles;
- Underground drainage systems;
- Unimproved livestock areas; and
- Unimproved travel lanes.

**Please note: these practices must meet specific definitions to be exempt.*

A complete copy of the adopted regulation can be found here: https://www.nj.gov/agriculture/sadc/documents/rules/SPSAdoption_20250218.pdf. If you would like more information or have any questions about soil disturbance on preserved farms, please visit www.nj.gov/agriculture/sadc/farmpreserve/soilprotection/ or contact Dave Clapp at David.Clapp@ag.nj.gov.



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