

Farmland Preservation Connections

Greater Certainty on the Way for Protection of Farm Markets, Ag Tourism

The State Agriculture Development Committee (SADC) has approved for adoption a new Agricultural Management Practice (AMP) that will provide clear standards so that both farmers and municipalities understand what is protected under the Right to Farm Act as it relates to farm markets and agritourism activities on commercial farms.

The AMP establishes standards for Right-to-Farm protection for a wide variety of on-farm direct marketing, including farm stands, farm stores, community-



supported agriculture, pick-your-own, educational activities such as school trips and farm tours, and recreational activities such as corn mazes and hay rides.

AMPs are an important component of Right to Farm protection because they establish the generally accepted practices that commercial farms must

comply with to be eligible for protection.

By providing uniform standards, they help prevent delays in processing Right-to-Farm complaints, uncertainty about what is eligible for protection and inconsistent treatment of farming operations across the state.

The AMP was approved for adoption by the SADC

State Agriculture Development Committee

February 2014

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on January 31, 2014. It will become effective upon publication in the New Jersey Register in the Spring. For more information on the AMP, visit the SADC's website at www.state.nj.us/agriculture/sadc/ruleprop/index.html.

Soil Disturbance on Preserved Farms: What You Should Know

A Superior Court judge has found that a greenhouse grower who destroyed at least 14 acres of prime farmland to construct greenhouses on his preserved farm violated the farmland preservation deed of easement and must

restore the land. This case has important implications for all owners of preserved farms because it makes clear that while the deed of easement allows for some construction of agricultural structures, that activity must be done in a manner that

conserves the existing soil and ensures the agricultural productivity of the farm. This is the first lawsuit of its kind in New Jersey and has prompted the SADC to work to clarify for landowners the extent of soil disturbance that would not violate the

deed of easement. Any owner of a preserved farm planning a project that involves soil disturbance is encouraged to contact the SADC in advance to ensure the project is consistent with the farmland preservation deed restrictions.

Solar Energy Rules Adopted for Preserved Farms; Wind Rules in the Works

Anyone planning to install solar, wind or biomass energy equipment on a preserved farm should be aware of recent developments as the result of a law (N.J.S.A. 4:1C-32.4) that established certain requirements for energy generation on farmland.

Owners of preserved farms who want to install these types of energy projects — whether on the deed-restricted premises or on an exception area — must obtain the prior approval of the SADC. In accordance with the law, the SADC has adopted new rules for solar energy generation on preserved farms and is accepting applications for those projects.

The SADC is preparing to propose new rules for wind energy generation on preserved farms that will be published in the *New Jersey Register* for public comment. Once those rules are finalized and adopted, the SADC will be able to accept applications for wind energy projects. The SADC next will develop rules for biomass energy generation on preserved farms.

The law also requires the SADC to develop agricultural management practices (AMPs) – or standards – that commercial farms must conform with to qualify for Right-to-Farm protection for renewable energy generation. The



SADC has adopted an AMP for solar energy generation, so landowners should carefully review it if they are interested in ensuring Right-to-

Farm protection for a solar energy facility on their farm. The development of AMPs for wind and biomass energy generation will follow.

For more information on renewable energy generation as it pertains to preserved farms and Right-to-Farm protection, contact the SADC at (609) 984-2504 or sadc@ag.state.nj.us.

Understand the Basics of Farm Leases in New Jersey

Do you own farmland that you want to lease to a farmer but aren't sure of all the factors you should consider in entering a leasing agreement? Are you a farmer looking for land but need some help in structuring a lease that best meets your needs?

The SADC, in cooperation with the Northeast Organic Farming Association of NOFA-NJ, has published a new leasing guidebook that addresses commonly asked questions

related to leasing and is intended to help New Jersey farmland owners and farmers create better leasing agreements. The focus is not limited to organic farms.

Leasing Farmland in New Jersey includes information on getting started, suggestions on creating and maintaining a lease, sample leases, profiles of various leasing arrangements, and additional resources to assist with leasing issues.

The development of the publication was made possible through an agreement with NOFA-NJ under a grant from the U.S. Department of Agriculture's National Institute of Food and Agriculture. The leasing guidebook is available on the SADC's website at www.nj.gov/agriculture/sadc/farmlink/resources/leaseguide.pdf or in printed copy by contacting the SADC at (609) 984-2504 or sadc@ag.state.nj.us.

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The State Agriculture Development Committee administers New Jersey's Farmland Preservation and Right to Farm Programs, and promotes innovative approaches to maintaining the viability of agriculture.

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