

Wildlife Fencing Law – SADC Overview

[P.L.2023, c.233](https://www.njleg.state.nj.us/bill-search/2022/S3916) was signed into law on January 8, 2024,
<https://www.njleg.state.nj.us/bill-search/2022/S3916>.

The new law enhances the SADC and NJDA deer fencing grant programs.

For the SADC program, it:

- Expands eligibility to include the owner, operator, or lessee of the farm;
- Increases the funding levels (maximum cost-share grant amount of up to 50%, not to exceed \$50,000);
- Makes it easier for beginning farmers to apply; and
- Expands the program to include deer, bear, and other wildlife fencing.

Can farm operators and tenants now apply for the SADC program?

Yes. Previously, an applicant had to be an “established farmer” who both owned the land and operated the farm. Now, a preserved farm owner, or an operator or a lessee (with the owner’s permission), can apply.

Is it easier now for business entities and beginning farmers to apply for the SADC program?

Yes. Previously, if an applicant was a business entity (corporation, LLC, partnership), it had to provide documentation showing that over 50 percent of its gross income came from farming. Now, an eligible applicant simply has to be ‘regularly engaged in the operation and management of the farming operation on the preserved farm’. There is no requirement to provide income information.

What is the new maximum cost-share grant amount?

An applicant can receive a grant for up to 50% of a project’s eligible costs, not to exceed a total of \$50,000. Previously, grant awards were calculated based on a farm’s acreage (\$200/acre) and had a \$20,000 cap. The \$200/acre provision and the previous \$20,000 cap no longer apply.

What farms are eligible for the SADC vs. the NJDA program?

Farms enrolled in a “permanent farmland preservation program”, as defined in SADC [Policy P-53](#), are eligible for the SADC program. The new law clarifies that all other farms may apply to the NJDA program.

What types of wildlife fencing will qualify for a grant in the SADC program?

The new law provides a broad authority for wildlife fencing. In addition to high-tensile woven wire deer fencing, electric bear fencing can now qualify for a grant. Fencing that effectively precludes other wildlife could also qualify, provided it is constructed pursuant to generally accepted design and installation standards approved by the SADC.

Is each individual permanently preserved farm eligible for a fencing grant through the SADC program?

Yes. Each individual permanently preserved farm, i.e., each property that has its own farmland preservation deed of easement, is eligible for its own fencing grant.

Will the SADC be updating its program policy and application form?

Yes. The SADC will be updating its program policy and/or developing new rules to reflect the updates in the new law. It will also update its application form.

Q&A for farms that already received grants or have current applications (SADC program)

- **If I already received a grant (for a completed fence project), can I get another grant (to do another project)? And for how much?**
 - Yes. Preserved farms that already received a grant can apply for another grant to do another project.
 - Each preserved farm is considered as having a wildlife fencing grant eligibility amount of \$50,000 for an eight-year period per SADC [Policy P-53](#). For instance, if a farm previously received a \$20,000 grant for a completed project, its remaining available grant balance within the eight-year period would be \$30,000. The farm could apply for a new project and receive a grant for up to 50% of the project's eligible costs, not to exceed the remaining available grant balance of \$30,000. The eight-year period begins on the date of completion of the first fencing project. After the eight-year period ends, the farm's wildlife fencing grant eligibility amount would reset and start again at \$50,000.

- **I completed a project under the old rules, already got reimbursed, and my grant was up to \$20,000 and/or was less than 50% of the costs. Can I get more now for that project?**
 - Projects that were approved, completed, and paid under the previous rules are considered to be closed, so additional payments cannot be made on them.

- **I'm installing fencing now under a previously approved grant (I haven't finished the project / haven't gotten the grant reimbursement yet). Can my maximum grant eligibility amount be increased to \$50,000?**
 - Yes. The maximum grant amounts for projects that were approved under the previous rules, but have not yet been completed, will be adjusted to reflect the parameters of the new law. This means that an approved-but-not-yet-completed project would be eligible for a grant for up to 50% of the project's eligible costs, not to exceed \$50,000.

- **I submitted an application for fencing prior to the new law going into effect, but it's still being reviewed. Will it now be reviewed under the new law?**
 - Yes. Current applications that have not yet been approved will be processed using the parameters of the new law.