Soil Disturbance Outline June 27 SADC Meeting

- 1. Impact of Quaker Valley Farms Decision
- 2. What is and isn't Considered Disturbance?
- 3. What are the Limits for Activities Considered Disturbance?

"Quaker Valley had the right to erect hoop houses, but did not have the authority to permanently damage a wide swath of premier quality soil in doing so. Quaker Valley clearly violated the deed and the ARDA."

State of New Jersey v. Quaker Valley Farms, LLC Argued January 2, 2018
Decided August 14, 2018 (7-0 decision)

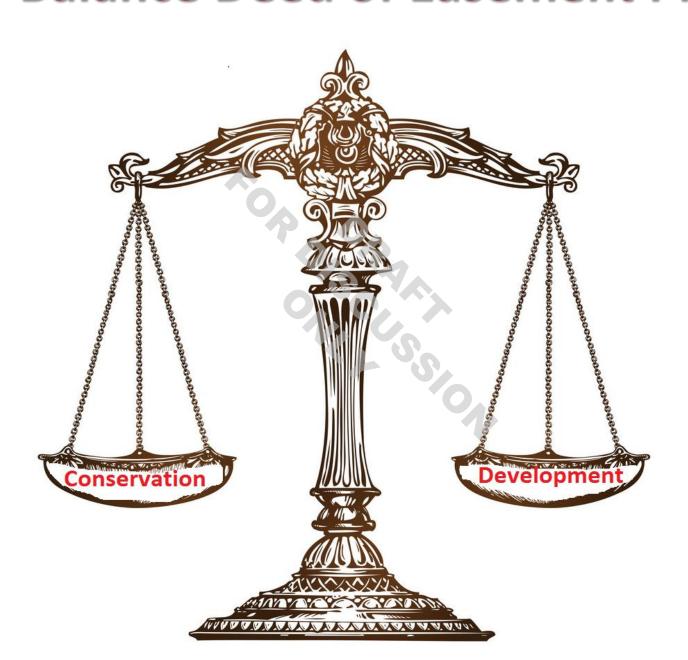
"If the SADC fails to undertake the necessary rulemaking to establish guidance on the extent of soil disturbance that is permissible on preserved farms, then it can expect administrative due process challenges to its enforcement actions."

State of New Jersey v. Quaker Valley Farms, LLC Argued January 2, 2018
Decided August 14, 2018 (7-0 decision)

"...the ARDA and the existing SADC regulation have a dual purpose: to strengthen the agricultural industry and to preserve farmland. Both are important goals; neither is subordinate to the other....the approach must be to balance farmland preservation and strengthen the agricultural industry."

State of New Jersey v. Quaker Valley Farms, LLC Argued January 2, 2018 Decided August 14, 2018 (7-0 decision)

How to Balance Deed of Easement Provisions?



Ag. Development Provisions in Deed of Easement

- 12. ...Grantor shall be permitted to construct, improve or reconstruct any roadway necessary to service crops, bogs, agricultural buildings, or reservoirs...
- 14. Grantor may construct any new buildings for agricultural purposes...

Conservation Provisions in Deed of Easement

- 7. No activity shall be permitted on the Premises which would be detrimental to drainage, flood control, water conservation, erosion control, or soil conservation...
- 15. ...For purposes of this Deed of Easement, "Agriculturally viable parcel" means that each parcel is capable of sustaining a variety of agricultural operations...





Resetting the Nomenclature

- Replace "Soil Disturbance" Terminology with "Soil Protection."

- Replace "Regulations" Terminology with "Standards."

"Soil Protection Standards"
(reinforces farmers' good stewardship of the soil).

Incorporate Best Management Practices (BMPs)









Clarify Approved Soil & Water Practices are Exempt

Agrichemical Handling Facilities

Animal Waste Control Facilities

Contour Farming

Critical Areas Planting

Diversions

Drainage System - Open

Drainage System - Underground

Forest Natural Regeneration Site Preparation

Forest Tree Plantations

Forest Tree Stand Improvement

Irrigation Systems

Land Shaping or Grading

Livestock Watering Facilities

Sod Waterways

Strip Cropping Systems

Stream Protection

Terrace Systems

Water Control/Sediment Retention/Erosion Control Structures

Water Impoundment Reservoirs

Windbreak Restoration or Establishment

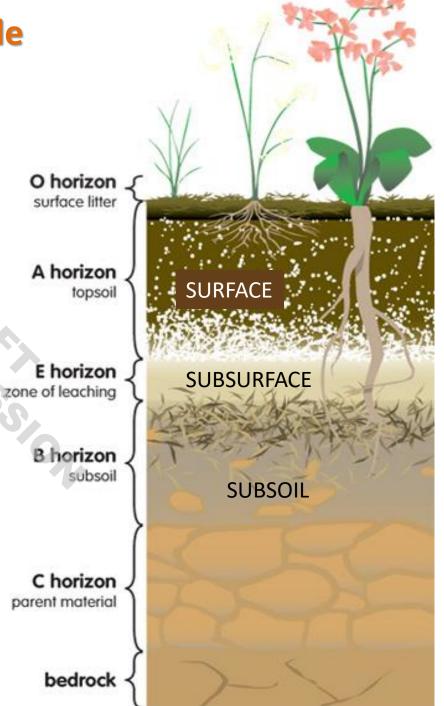


Soil Profile

Plow Layer - the soil that is moved in normal tillage, also known as the surface layer (average maximum thickness in New Jersey of 12 inches).

Common acceptance of plow layer nomenclature - same definition in the United States, Canada, and the United Kingdom.

Commonality of standards - U.S. Forest Service and USDA Natural Resources Conservation Service consider activities below the plow layer to have a significant impact on soil productivity.



Establish Clear Boundaries on Certain Land Uses

	Degree of Irreversil	LAND USE	LIMITATION CLASS	EXEMPTION CLASS
		WETLANDS WOODLAND AGRICULTURAL PRODUCTION (PASTURELAND, CROPLAND) CURTILAGE/LAWN	NO LIMIT ON ACTIVITY	ALWAYS EXEMPT
		WEED FABRIC HOOPHOUSES SOLAR PANELS FARMLANE (GRASS, DIRT, AND SAND) IRRIGATION PONDS	NO LIMIT ON ACTIVITY IF FOLLOWING BMPs; SUBJECT TO 8%/6 ACRES LIMIT IF NOT FOLLOWING BMPs	ALL PRE-EXISTING USES EXEMPTED FROM STANDARDS; ALL FUTURE USES SUBJECT TO STANDARDS
		FARMLANE (GRAVEL) EQUINE TRACK (COMPACTED GRASS AND DIRT; SAND AND GRAVEL) PARKING (COMPACTED GRASS AND DIRT; GRAVEL)	ADDITIONAL ALLOWANCE OF 5% OF THE PREMISES (BEYOND 8%/6 ACRES THRESHOLD) IF FOLLOWING BMPs; SUBJECT TO 8%/6 ACRES IF NOT FOLLOWING	ALL PRE-EXISTING AND FUTURE USES SUBJECT TO STANDARDS
		DRIVEWAY (ASPHALT, CONCRETE) PARKING (ASPHALT, CONCRETE) SOIL MOVEMENT BELOW PLOW LAYER (INCLUDES STORMWATER BASINS) BUILDINGS/STRUCTURES/HARDSCAPE	LIMITED TO 8% OF THE PREMISES OR 6 ACRES, WHICHEVER IS GREATER	ALL PRE-EXISTING AND FUTURE USES SUBJECT TO STANDARDS



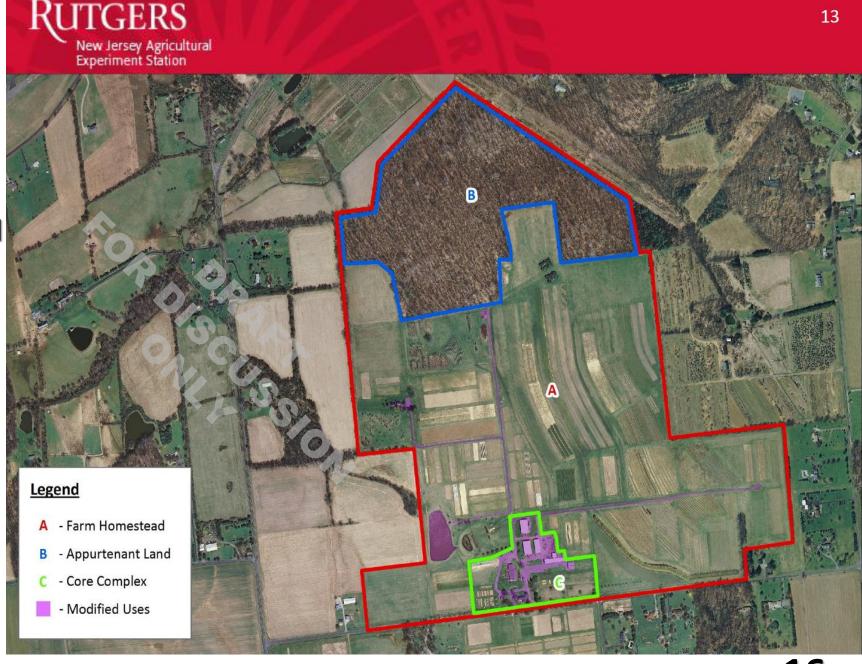
What Should be the Prescribed Limits for Ag. Development?



- In 2010, SADC Commissioned Rutgers to Analyze Ag. Development.
- 10 Highly Developed Farms in Central NJ Were Studied and Their Constituent Parts Were Ascribed To:

Farm Homestead
Core Complex
Modified Uses

8% of the "farm homestead," on average, is comprised of the "core complex."



- 40% of the "core complex," on average, is "modified uses."

- Thus, 3% of the farm homestead, on average, consists of modified uses, i.e. current ag. development.

*Note - modified uses is a more precise delineation of ag. development compared with core complex.

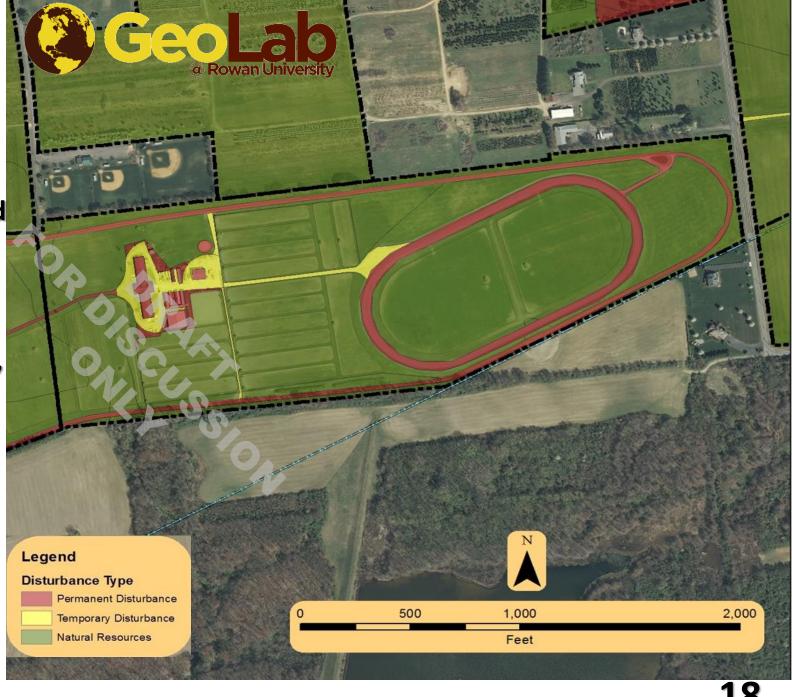


- In 2014, SADC commissioned Rowan GeoLab due to limitations in the **Rutgers study:**

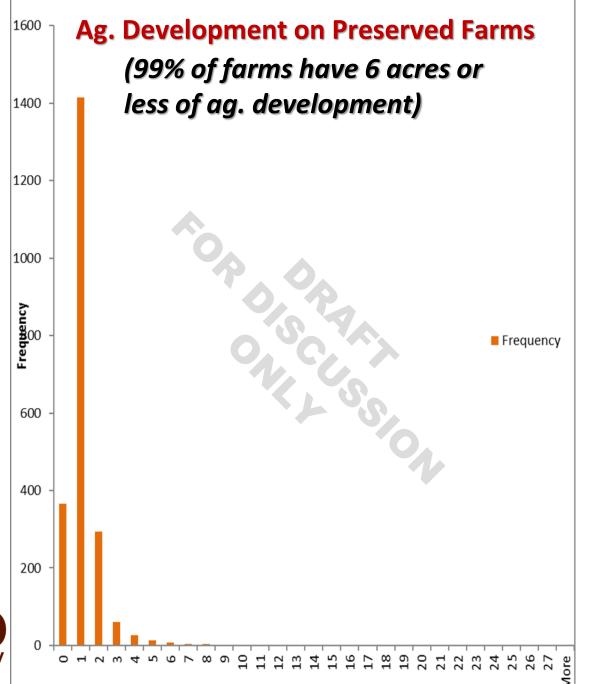
Only 10 farms were studied **Only Central NJ was studied** Only highly developed farms studied

- Rowan studied 2,736 preserved and unpreserved farms using same methodology as Rutgers (farmstead, core complex, and modified uses).

Additional component - land uses were measured individually and can be coded green/yellow/red.



Y Axis (Frequency) = Number of Farms



Bin



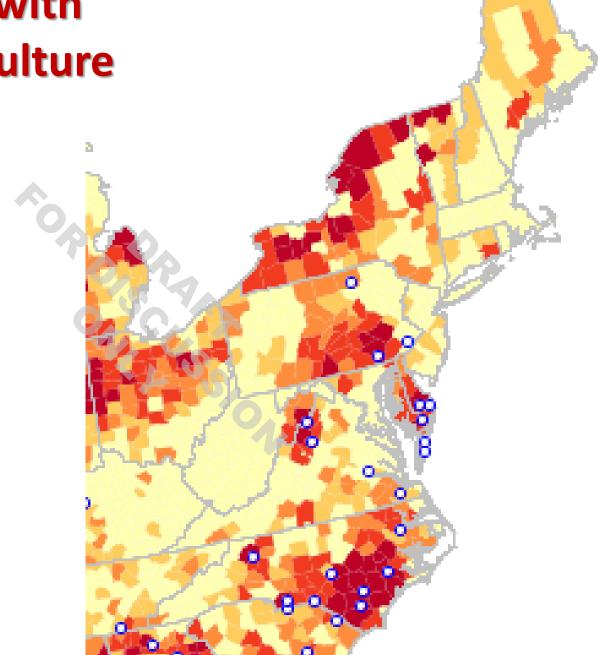
X Axis (Bin) = Ag. Development Acres

Table 8 - 2012 Census of Agriculture¹

Leading County in Each Mid-Atlantic State for Market Value of Ag. Products Sold	% of Farm Acres in Farmsteads, Buildings, and Roads (Farmstead Complex)	Leading Commodities	
Caroline County, Maryland	4%	Broilers, Vegetables, Grain	
Cumberland County, New Jersey	8%	Nursery/Floriculture, Vegetables	
Duplin County, North Carolina	7%	Broilers, Turkeys, Hogs	
Hardy County, West Virginia	3%	Broilers, Layers, Turkeys	
Lancaster County, Pennsylvania	6%	Dairy, Beef, Broilers, Layers, Hogs, Horses/Mules	
Rockingham County, Virginia	6%	Dairy, Beef, Broilers, Turkeys, Layers	
Sussex County, Delaware	4%	Broilers, Hogs, Horses/Mules	
Wyoming County, New York	6%	Dairy, Beef	
Average Farmstead Complex % of Farm	6%		

¹ Statistics derived from surveys answered by farmers.

Mid-Atlantic Counties with Intensive Animal Agriculture















Summary of Existing Ag. Development Metrics

- 1% Rowan Study Average (Includes All Farms)
- 3% Rutgers Study Average (Includes Only Highly Developed Farms)
- 6% USDA Census Farmstead Complex Avg. (Includes Undeveloped Land)

Proposed Ag. Development Limitation

- 8% of Premises or 6 acres, whichever is greater, for "red" land uses (or "yellow or "orange" land uses that do not follow BMPs).
- 5% of Premises additional allowance for "orange" land uses.
- 2% of Premises or 2 acres, whichever is greater, additional allowance (for farms at/over 8%/6 acres allowance and 5% additional allowance).
- Topsoil must be retained on site and properly banked and seeded.

Compliance with 8% of Premises/6 acres Limitation*

IDN #	County	Operation Type	Farm Acres (GIS)	Development Acres (GIS)	Disturbance Percentage (GIS)	Compliance with 6 acres or 8%?
4103	Cumberland	Nursery	510	77	15%	No
4053	Cumberland	Nursery	251	32	13%	No
4324	Mercer	Equine	99	11	11%	No
3683	Burlington	Equine	40	9	23%	No
8555	Monmouth	Equine	42	9	22%	No
9150	Warren	Greenhouse	77	7	9%	No

^{*}Out of a total sample size of nearly 1/3 of the total farms in the state -- 2,736 farms -- only 6 farms would be non-compliant exclusive of Quaker Valley Farms

What is Causing Non-Compliance?

Nursery Operations - travel lanes Equine Operations - training tracks Commonality - gravel





Gravel as Major Source of High Development Figures

Farm Acres (GIS)	Buildings and Hardscape Acres (GIS)	Buildings and Hardscape % (GIS)	Gravel Acres (GIS)	Gravel Percentage (GIS)	Total Development Acres (GIS)	Disturbance Percentage (GIS)
510	23	5%	54	11%	77	15%
251	9	4%	22	9%	32	13%
99	2	2%	9	9%	11	11%
40	3	9%	5	14%	9	23%
42	4	11%	4	10%	9	22%
77	5	7%	2	3%	7	9%

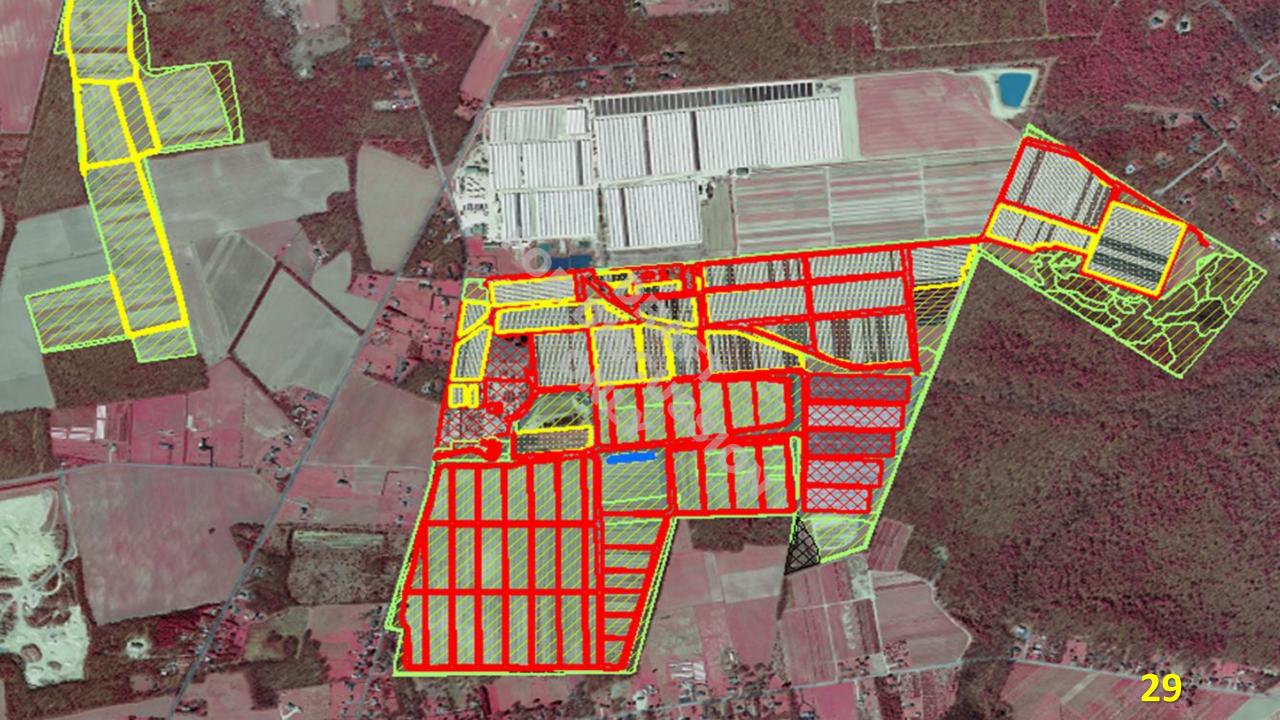
Ideas for Responding to Needs of These Sectors?

(1 out of every 3 farms in NJ is equine or nursery)

- Create Best Management Practice for Use of Gravel
- Create Additional Allowance for Gravel Areas

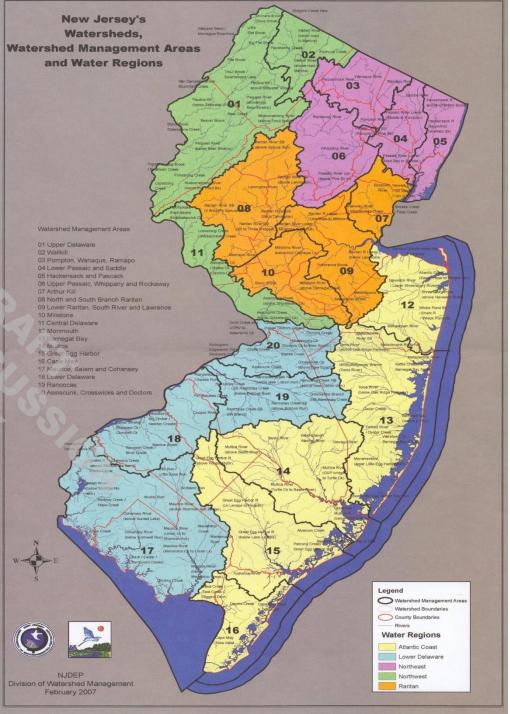
Compliance with 6% of Premises Gravel Waiver Included

Farm Acres (GIS)	Gravel Acres with 6% Waiver	Gravel Percentage with 6% Waiver	Revised Total Development Acres with Waiver	Revised Development Percentage	Compliance with 6% Gravel Waiver Included?
510	23	5%	46	9%	No
251	7	3%	17	7%	Yes
99	3	3%	5	5%	Yes
40	3	8%	6	16%	Yes
42	2	4%	6	15%	Yes
77	0	0%	5	7%	Yes



Environmental Considerations of Proposed Methodology





Runoff Considerations



United States Department of Agriculture

Natural Resources Conservation Service

Conservation Engineering Division

Technical Release 55

June 1986

Urban Hydrology for Small Watersheds

TR-55

NRCS TR-55 Runoff Curve Numbers

Cover Type

Avg. Curve Number (Percent Runoff)

Urban Areas (paved parking, driveways, roofs)	98	
Suburban Residential Development	79	
Farmsteads (buildings, driveways, lanes)	<u>75</u>	
Farmland (row crops/small grain/pasture/fallow)	73	
Open Space (parks, golf courses, cemeteries)	71	22
		~ /

Refined Impervious Cover Analysis for the Four Central Texas Salamanders U.S. Fish & Wildlife Service, Austin Ecological Services Field Office August 2013

Watershed Impervious Cover Impacts Conclusions:

- None: 0 percent impervious cover in the watershed
- Low: >0 to 10 percent impervious cover in the watershed
- Medium: >10 to 20 percent impervious cover in the watershed
- High: Greater than 20 percent impervious cover in the watershed



July 25 SADC Meeting Considerations

- 1. Impact of Proposed Standards on Smaller Farms
- 2. Allowance for Heavy Use ("Orange") Areas
- 3. Exempting Temporary Disturbances ("Yellow")

Divide Between More and Less Intensive Operations

NAICS Code	Number of Farms	Farm Acres	Average Farm Acres
Sheep and goat farming (1124)	753	14,067	18.68
Other animal - apiculture, equine, rabbit (1129)	1,943	50,028	25.75
Poultry and egg production (1123)	286	10,213	35.71
Hog and pig farming (1122)	58	2,462	42.45
Greenhouse/nursery/floriculture (1114)	1,540	83,254	54.06
Aquaculture (1125)	77	5,269	68.43
Cattle ranching and farming (1121)	792	55,631	70.24
Other crop farming - hay (1119)	2,143	160,715	75.00
Vegetable and melon farming (1112)	895	88,106	98.44
Fruit and tree nut farming (1113)	586	66,500	113.48
Oilseed and grain farming (1111)	810	197,839	244.25
Totals/Average	9,883	734,084	74.28

Acreage Range	Statistical Measure	Farm Acres	Total Permanent and Temporary Disturbance Acres	Total Permanent and Temporary Disturbance % of Farm Acres
	Totals	4,282.64	169.61	
Up to 24.99 ac.	Avg.	16.47	0.65	3.96%
(260 farms;	Med.	17.35	0.52	3.14%
11.8% of total)	St. Dev.	5.04	0.62	5.04%
	Je. Dev.	3.04	0.02	3.0470
	Totals	17,963.59	585.23	
25 - 49.99 ac.	Avg.	36.89	1.20	3.26%
(487 farms;	Med.	36.53	0.77	2.08%
22.2% of total)	St. Dev.	7.37	1.40	3.85%
-		7.0 W		
	Totals	24,687.99	673.99	
50 - 74.99 ac.	Avg.	61.72	1.68	2.73%
(400 farms;	Med.	61.60	1.07	1.77%
18.2 % of total)	St. Dev.	7.37	2.48	4.16%
	Totals	76,867.78	1,836.34	
75 - 149.99 ac.	Avg.	106.32	2.54	2.39%
(723 farms;	Med.	104.29	1.75	1.61%
32.9% of total)	St. Dev.	20.89	3.45	3.22%
	Totals	81,997.69	2,266.85	
150 + acres	Avg.	249.99	6.91	2.76%
(328 farms;	Med.	204.82	3.51	1.62%
14.9% of total)	St. Dev.	139.17	14.97	4.15%
	Grand Totals	205,799.70	5,532.02	
All acreage	Avg.	93.63	2.52	2.69%
(2,198 farms;	Med.	71.42	1.28	1.84%
100% of total)	St. Dev.	91.42	6.53	3.98%

			Red+Orange+Yellow Columns Red + Orange Columns		Yellow Columns			
Acreage Range	Statistical Measure	Farm Acres	Total Permanent and Temporary Disturbance Acres	Total Permanent and Temporary Disturbance % of Farm Acres	Total Permanent Disturbance Acres	Total Permanent Disturbance % of Farm Acres	Total Temporary Disturbance Acres	Total Temporary Disturbance % of Farm Acres
	Totals	4,282.64	169.61		85.57		84.03	
Up to 24.99 ac.	Avg.	16.47	0.65	3.96%	0.33	2.00%	0.32	1.96%
(260 farms;	Med.	17.35	0.52	3.14%	0.22	1.74%	0.21	0.95%
11.8% of total)	St. Dev.	5.04	0.62	5.04%	0.43	3.90%	0.40	2.31%
22.070 01 total,	J. 201	5.0 .	0.02	3.6 176	05	3.3070	00	2.02/0
	Totals	17,963.59	585.23		241.58		343.65	
25 - 49.99 ac.	Avg.	36.89	1.20	3.26%	0.50	1.34%	0.71	1.91%
(487 farms;	Med.	36.53	0.77	2.08%	0.25	0.94%	0.39	0.81%
22.2% of total)	St. Dev.	7.37	1.40	3.85%	0.78	2.79%	1.03	2.07%
,								
	Totals	24,687.99	673.99		205.42		468.57	
50 - 74.99 ac.	Avg.	61.72	1.68	2.73%	0.51	0.83%	1.17	1.90%
(400 farms;	Med.	61.60	1.07	1.77%	0.28	0.66%	0.63	0.78%
18.2 % of total)	St. Dev.	7.37	2.48	4.16%	0.80	2.92%	2.15	2.56%
-					40			
	Totals	76,867.78	1,836.34		478.51		1,357.82	
75 - 149.99 ac.	Avg.	106.32	2.54	2.39%	0.66	0.62%	1.88	1.77%
(723 farms;	Med.	104.29	1.75	1.61%	0.38	0.66%	1.18	0.73%
32.9% of total)	St. Dev.	20.89	3.45	3.22%	0.97	1.74%	3.15	2.52%
	Totals	81,997.69	2,266.85		447.38		1,819.47	
150 + acres	Avg.	249.99	6.91	2.76%	1.36	0.55%	5.55	2.22%
(328 farms;	Med.	204.82	3.51	1.62%	0.66	0.63%	2.48	0.75%
14.9% of total)	St. Dev.	139.17		4.15%	2.75	1.64%	13.97	
	Grand Totals	205,799.70	5,532.02		1,458.47		4,073.55	
All acreage	Avg.	93.63	2.52	2.69%	0.66	0.71%	1.85	
(2,198 farms;	Med.	71.42	1.28	1.84%	0.33	0.78%	0.73	
100% of total)	St. Dev.	91.42		3.98%	1.34	2.60%		

Additional Allowance for Heavy Use Areas

Nursery Operations - travel lanes Equine Operations - training tracks Commonality - gravel











Best Management Practices (BMPs)











Acreage Range	Statistical Measure	Buildings and Structures Acres	Parking Improved Acres	Parking Unimproved Acres	Farmlane Improved Acres	Equine Track Improved and Unimproved Acres	Man-Made Pond Acres	Farmlane Unimproved Acres	Hoophouse Acres	Weed Fabric Acres	Solar Panels Acres
	Totals	41.47	3.98	24.78	9.95	5.39	16.91	62.81	4.23		0.08
Up to 24.99 ac.	Avg.	0.16	0.02	0.10	0.04	0.02	0.07	0.24	0.02		0.00
(260 farms;	Med.	0.13	0.00	0.00	0.00	0.00	0.00	0.15	0.00		
11.8% of total)	St. Dev.	0.15	0.05	0.23	0.11	0.13	0.22	0.29	0.10	0.00	0.00
	Totals	111.88	16.04	58.15	22.46	33.06	97.84	224.65	12.00	8.93	0.21
25 - 49.99 ac.	Avg.	0.23	0.03	0.12	0.05	0.07	0.20	0.46	0.02	0.02	0.00
(487 farms;	Med.	0.14	0.00	0.00	0.00	0.00	0.00	0.27	0.00	0.00	0.00
22.2% of total)	St. Dev.	0.31	0.12	0.33	0.19	0.34	0.65	0.63	0.23	0.20	0.01
					70 Y						
	Totals	103.79	12.18	51.03	17.98	20.44	116.14	300.56	41.64	9.74	0.49
50 - 74.99 ac.	Avg.	0.26	0.03	0.13	0.04	0.05	0.29	0.75	0.10	0.02	0.00
(400 farms;	Med.	0.17	0.00	0.00	0.00	0.00	0.00	0.48	0.00	0.00	0.00
18.2 % of total)	St. Dev.	0.33	0.16	0.32	0.13	0.38	1.29	0.97	1.06	0.19	0.01
						074					
	Totals	240.88	26.21	121.27	50.98	39.18	378.11	809.47	68.56	100.43	1.25
75 - 149.99 ac.	Avg.	0.33	0.04	0.17	0.07	0.05	0.52	1.12	0.09	0.14	0.00
(723 farms;	Med.	0.23	0.00	0.00	0.00	0.00	0.00	0.72	0.00	0.00	
32.9% of total)	St. Dev.	0.41	0.17	0.43	0.26	0.49	1.34	1.43	0.90	1.71	0.03
·											
	Totals	226.67	24.47	93.86	81.33	21.05	662.76	865.27	256.83	34.01	0.61
150 + acres	Avg.	0.69	0.07	0.29	0.25	0.06	2.02	2.64	0.78		
(328 farms;	Med.	0.41	0.00	0.05	0.00	0.00	0.34	1.62	0.00		0.00
14.9% of total)	St. Dev.	1.35	0.35	0.73	1.10	0.52	5.89	4.00	8.56		0.02
14.570 OI total)	30. 500.	1.55	0.55	0.75	1.10	0.52	3.03	4.00	0.50	1.23	0.02
	Grand Totals	724.69	82.87	349.09	182.69	119.12	1,271.76	2,262.77	383.26	153.12	2.65
All acreage	Avg.	0.33	0.04	0.16	0.08	0.05	0.58	1.03	0.17	0.07	0.00
(2,198 farms;	Med.	0.20	0.00	0.00	0.00	0.00		0.51	0.00		
100% of total)	St. Dev.	0.63	0.19	0.44	0.47	0.42			3.38		

Soil Protection Discussion Outline September 26 SADC Meeting

Chart:

1. Review Land Use Schema

Visuals:

- 1. Farms in compliance due to "yellow" best management practices (BMPs).
- 2. Farms in compliance due to "orange" BMPs.
- 3. Farms in compliance due to waiver for additional allowance.
- 4. Farms over the limit no matter exemptions or waivers afforded.

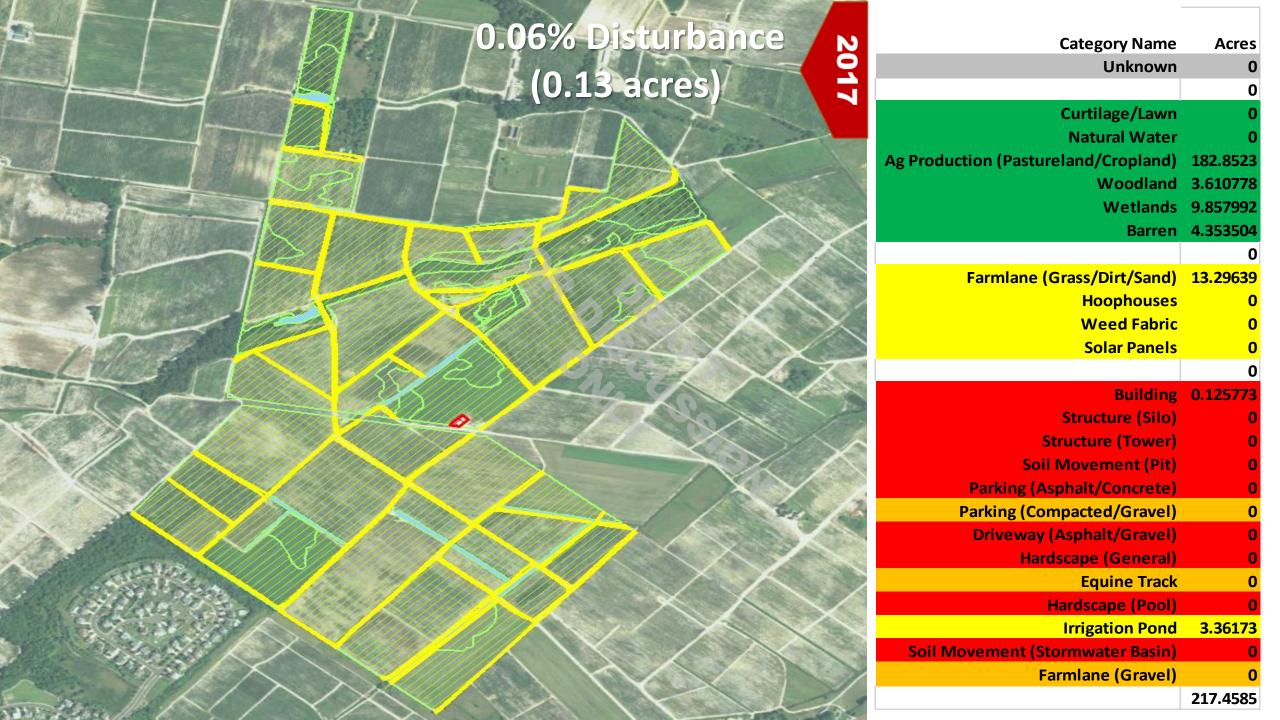


Conceptualized Soil Protection Land Use Schema

	llity	LAND USE	LIMITATION CLASS	EXEMPTION CLASS
	ersib	WETLANDS WOODLAND AGRICULTURAL PRODUCTION (PASTURELAND, CROPLAND) CURTILAGE/LAWN	NO LIMIT ON ACTIVITY	ALWAYS EXEMPT
gree of	WEED FABRIC HOOPHOUSES SOLAR PANELS FARMLANE (GRASS, DIRT, AND SAND) IRRIGATION PONDS	NO LIMIT ON ACTIVITY IF FOLLOWING BMPs; SUBJECT	ALL PRE-EXISTING USES EXEMPTED FROM STANDARDS; ALL FUTURE USES SUBJECT TO STANDARDS	
	FARMLANE (GRAVEL) EQUINE TRACK (COMPACTED GRASS AND DIRT; SAND AND GRAVEL) PARKING (COMPACTED GRASS AND DIRT; GRAVEL)	I(BEYOND 8%/6 ACRES THRESHOLD) IF FOLLOWING	ALL PRE-EXISTING AND FUTURE USES SUBJECT TO STANDARDS	
	DRIVEWAY (ASPHALT, CONCRETE) PARKING (ASPHALT, CONCRETE) SOIL MOVEMENT BELOW PLOW LAYER (INCLUDES STORMWATER BASINS) BUILDINGS/STRUCTURES/HARDSCAPE	LIMITED TO 8% OF THE PREMISES OR 6 ACRES,	ALL PRE-EXISTING AND FUTURE USES SUBJECT TO STANDARDS	

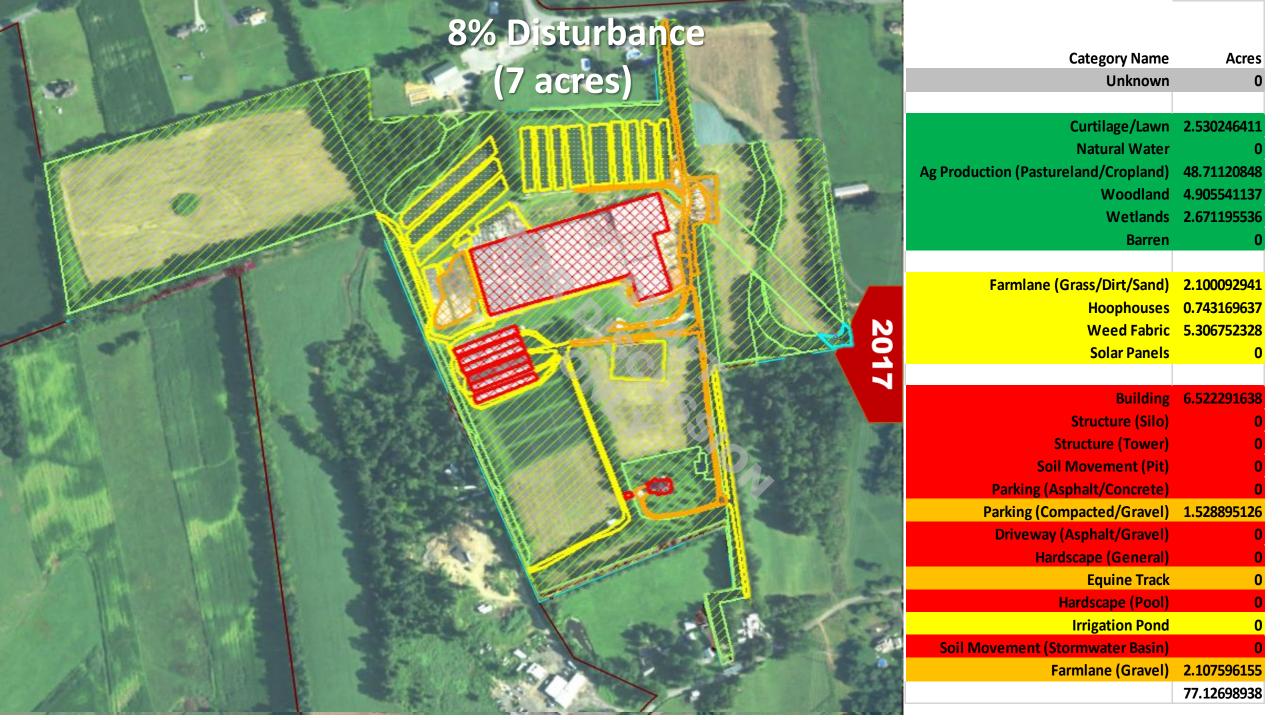
- Any land use that is considered disturbance may be potentially remediated and disturbance acreage reduced after landowner has proven remediation meets Committee-approved standards.
- Farms with disturbance currently in excess of prescribed limitation can receive an additional waiver up to
 2% or 2 acres, whichever is greater.

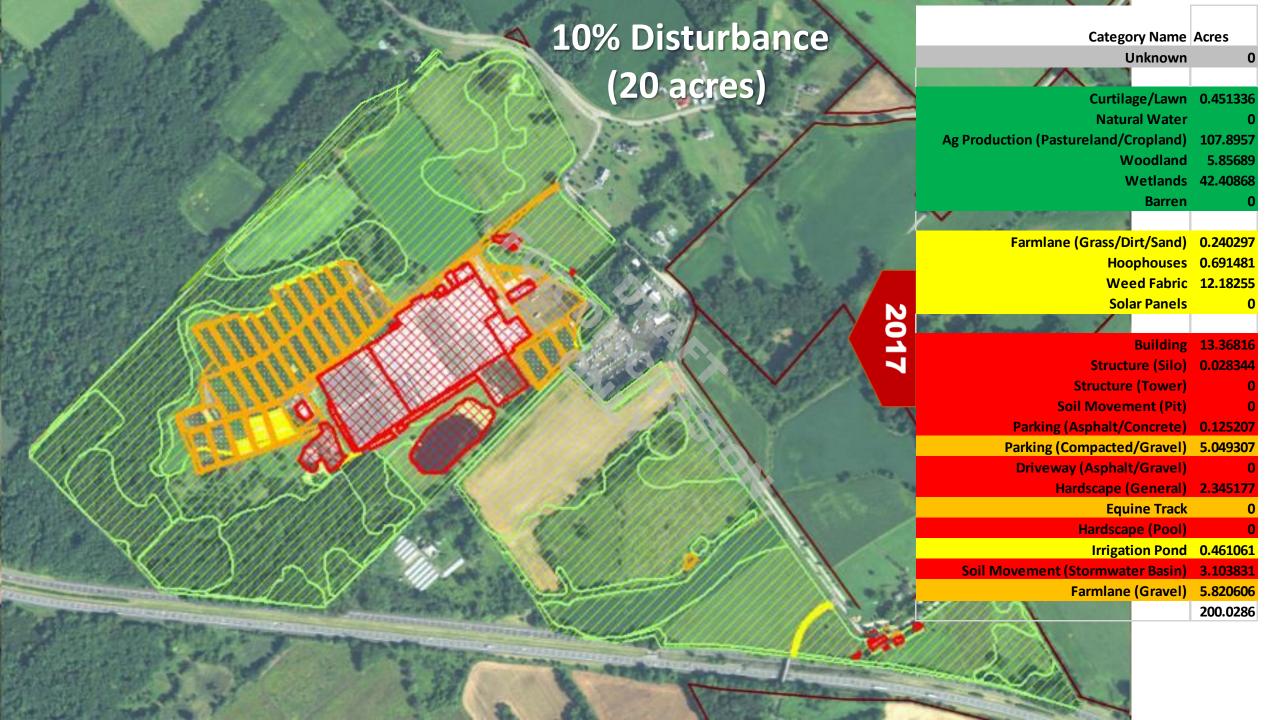


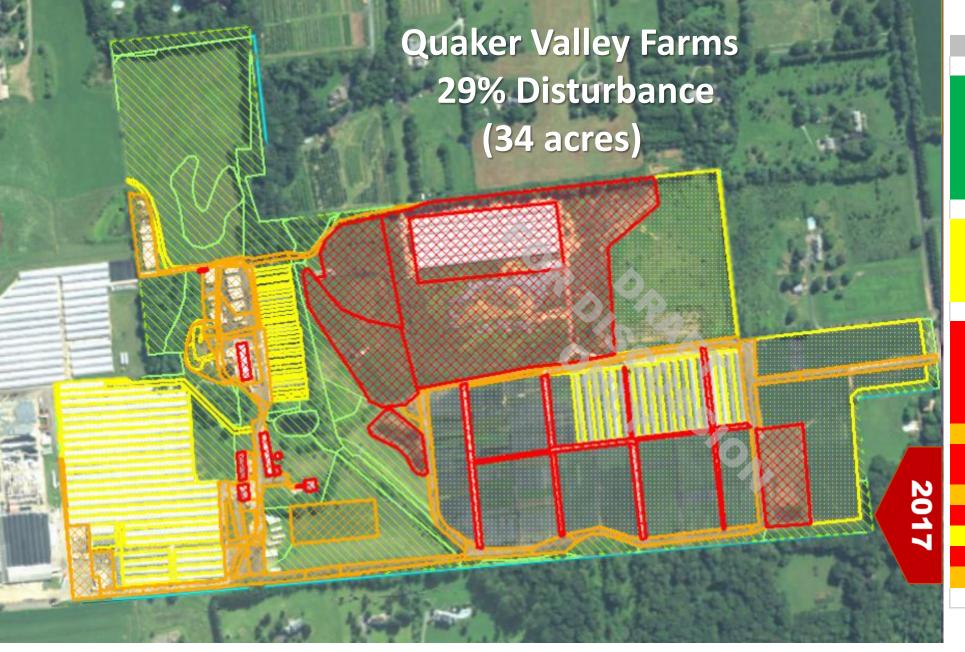




Acres







Category Name	Acres
Unknown	0.076933
	0
Curtilage/Lawn	6.05325
Natural Water	0
Ag Production (Pastureland/Cropland)	18.42361
Woodland	3.569403
Wetlands	3.139724
Barren	0.000168
	0
Farmlane (Grass/Dirt/Sand)	1.233849
Hoophouses	17.20262
Weed Fabric	29.38736
Solar Panels	0
	0
Building	0.497511
Structure (Silo)	0.014129
Structure (Tower)	0
Soil Movement (Pit)	16.4717
Parking (Asphalt/Concrete)	0
Parking (Compacted/Gravel)	6.883273
Driveway (Asphalt/Gravel)	1.344739
Hardscape (General)	0
Equine Track	0
Hardscape (Pool)	0
Irrigation Pond	0.377586
Soil Movement (Stormwater Basin)	8.198755
Farmlane (Gravel)	6.647845
	119.5225