

**New Jersey Highlands Council
Chair Report for Natural Resources Committee
Meeting of October 14, 2005**

On October 14, 2005, the Natural Resources Committee held a meeting at the New Jersey Highlands Council office in Chester, New Jersey. Notice of the meeting was provided to the public on the Highlands Council's web site. Council members present at the meeting were: Tim Dillingham, Tracy Carluccio and Kurt Alstede. Council staff members present were: Adam Zellner, Dante DiPirro, Steve Balzano, Tom Borden and Lynn Brass-Smith. One matter was on the agenda: proposed Agricultural Highlands Rules. Committee Chair Tim Dillingham called the meeting to order at 12:00 p.m.

Proposed Rules: Agricultural Development in the Highlands

Committee Chair Dillingham announced that this meeting was a continuation of the discussion from the Natural Resources Committee on October 6th. At the last meeting, the Committee requested to be briefed on the NRCS FOTG and whether the FOTG is sufficient to address protection of Highlands resources consistent with the Highlands Act to assist them in formulating comments on the proposed rule by the Department of Agriculture. Representatives from the NRCS and Department of Agriculture appeared to present an overview of the FOTG and show by example how the FOTG is utilized.

Monique Purcell from the Department of Agriculture addressed the Committee. Ms. Purcell explained that the Highlands Act spells out different tracks for major highlands development and agriculture/horticulture development, and explained that the Department of Agriculture is confident that the FOTG addresses the goals of the Highlands Act through its procedures and criteria. The Department of Agriculture previously met with the NJDEP and Highlands Council staff to discuss how the FOTG might be updated to better address the goals of the Act and explained that this is the beginning of a process that the Department of Agriculture would continue.

Dante DiPirro reiterated the October 6th Committee meeting discussion. The proposed rules require that development that increases agricultural impervious cover by three percent or more of the total land area of a farm management unit shall require the approval of a Farm Conservation Plan. Development that increases agricultural impervious cover by nine percent or more of the total land area of a farm management unit shall require the review and approval of a Resource Management Systems Plan. The standards contained in the FOTG form the basis of the Farm Conservation Plans and Resource Management Systems Plans. The plans must be prepared in accordance with science-based standards, consistent with the goals and purposes of the Highlands Act. Mr. DiPirro thanked NRCS and the Department of Agriculture for their stated willingness to work with the Highlands Council to ensure that FOTG comports with Act and Regional Master Plan.

Kent Hardmeyer from the NRCS explained that Farm Conservation Plans must address soil, water and threatened and endangered species. Resource Management Systems plans

must address all resource areas of the FOTG: soil, water, air, plants and animals. Mr. Hardmeyer provided the Committee with handouts.

Committee member Kurt Alstede asked Mr. Hardmeyer if the NRCS tracks existing farms with Farmland Conservation Plans. The NRCS presently does not track these plans but can set up a tracking system.

Dave Clapp from the Department of Agriculture presented how he would develop a farmland conservation plan using the FOTG. Using a hypothetical 12-acre Warren County farm as an example, Dave took the Committee through the process using a visual presentation. He assumed certain baseline environmental conditions on the farm including a Category One stream, forested wetlands, grassland bird habitat, and 4% slope. In evaluating a hypothetical construction of a 20,000ft.² enclosed equine track he discussed the methodology of developing conservation practices using the FOTG that may apply to this farm (including measures to address runoff from new structures, pasture fencing to keep animals out of stream, improve forested riparian area, rotational grazing and fencing methods to keep from tearing up grazing field, methods to avoid grasslands bird habitat after nesting, comprehensive nutrient management, pest management, and water retention methods)

Mr. Clapp then discussed the use of the CPR 50 report where NRCS identifies the natural resources, the practices that will be followed, and effects. The report uses a chart where one checks a series of boxes to identify the resources, checks the practices that apply to that farming operation, and sums the points to see cumulative effect and benefits. Kent Hardmeyer stated that they could add a Highlands section with specific issues related to the Highlands Act. He reiterates the NRCS' willingness to tailor the standards for the Highlands Council.

Tim Dillingham asked Mr. Clapp for him to take us through an example using riparian buffers. Mr. Clapp discussed the use of the NRCS web site for reference to standards for buffers, for example a 100-foot buffer or 30% of the flood plain. Steve Balzano asked if the Regional Master Plan includes buffer standards could those be used by NRCS when it applies the FOTG. Kurt Alstede pointed out that increasing the size of buffers will put more of a farm out of production. The Committee members then discussed the need to ensure that the standards are clear, that there is adequate notice, that numerous standards may apply and overlap, that the NRCS process is very comprehensive there is a need to make it consistent with the Highlands Act. NRCS restated its willingness to work with the Highlands Council to ensure consistency.

Steve Balzano discussed the need to consider the use incentives. Kurt Alstede agreed stating that the Agriculture rules only apply when there is a proposed increase in agricultural impervious cover and incentives will be most helpful in the large majority of cases where there is little or no additional development.

Monique Purcell noted that the FOTG provides specific measures for each resource, such as mowing practices to protect certain grassland birds. Tracy Carluccio asked how FOTG

specifically protects species and was assured that there are protection methods. Steve Balzano clarified that NRCS adjusts its standards to comply with state law and if the Highlands Act protects species then NRCS will use the new standards. It was mentioned that in the Pinelands, the CMP's standards for species are used by NRCS and that NRCS looks at the whole farm and not just the proposed new activity

Kurt Alstede asked for comment on enforcement mechanisms and was advised that every year there is a process for random stop checks for farms that are growing commodities. If in violation, the farms may lose their federal benefits. He then asked how we would enforcement under this new program be implemented. Monique Purcell stated that the Department of Agriculture has program to monitor farmland preservation and will expand this program to cover the Highlands plans as well.

Tim Dillingham thanked NRCS and the Department of Agriculture for the presentation and asked what next steps are needed to make the FOTG comparable. Monique Purcell offered to coordinate with Dave Smart. Mr. Dillingham then asked staff to do a side by side analysis of FOTG and Highlands Act.

Dante DiPirro stated that staff will move forward with analysis and discussions with the various agencies. He then asked for feedback on the draft letter regarding the proposed Agriculture rules that must be sent today. The Committee members stated that they had several nonsubstantive suggestions to edit the letter and would provide that feedback.

Public Comment

Wilma Frey expressed concerned that the Highlands agricultural standards applies to the farm management unit and that could be more than one property. She also suggested that a cap should be set on impervious cover. Tim Dillingham stated there is a de facto cap based on the standards that are required.

A representative of the Warren Environmental Commission asked about animal waste management. Monique Purcell replied that her agency is putting together a rule now that will address this issue, that NJDEP also has regulations that apply to this, and that it is also in the FOTG. Steve Balzano stated that the agriculture technical advisory committee suggested regional solutions for animal waste management.

At the end of public comment, Tim Dillingham adjourned the meeting at 1:15 pm.