

SOIL DISTURBANCE ON PRESERVED FARMLAND

1 **WHEREAS**, the Agricultural Retention and Development Act (ARDA) was written and
2 enacted in order to strengthen and support the agricultural and horticultural industry in New
3 Jersey, both through the preservation of the land base and by encouraging a positive agricultural
4 business climate; and

5 **WHEREAS**, the State Agriculture Development Committee has preliminarily proposed draft
6 regulations which would limit agricultural and horticultural development of preserved farms by
7 defining and limiting “permanent soil disturbance” with the stated goal of protecting soils on
8 those farms; and

9 **WHEREAS**, the proposed definitions of “soil disturbance” and limitations on agricultural
10 and horticultural development on preserved farmland conflict with the full range of purposes of
11 the ARDA and the explicit language of the deed of easement; and

12 **WHEREAS**, the State Agriculture Development Committee already has the ability and
13 authority to assert if and/or when instances of excessive soil disturbance have occurred on deed-
14 restricted farmland, as evidenced by a case currently on appeal, making the present effort to
15 adopt regulations imposing caps on agricultural development misguided and premature; and

16 **WHEREAS**, adoption of the “soil disturbance” rules presently proposed would threaten the
17 current and future viability of the agricultural and horticultural industry in New Jersey, and the
18 future of the Farmland Preservation program; and

19 **WHEREAS**, while the standard deed of easement does include language requiring soil
20 conservation and the continued agricultural use of the land, it must also be acknowledged that the
21 deed of easement explicitly allows for “the construction of any new buildings for agricultural
22 purposes” and “the right to construct any roadway necessary to service crops, bogs, agricultural
23 buildings or reservoirs” and

24 **NOW THEREFORE BE IT RESOLVED**, that we, the delegates to the 100th State
25 Agricultural Convention, gathered in Atlantic City on February 4-5, 2015, do hereby urge the
26 SADC to acknowledge that it purchased only the non-agricultural development rights from the
27 farms that have been preserved, not the agricultural development rights.

28 **BE IT FURTHER RESOLVED**, that we urge the SADC to withdraw the current proposal
29 and recognize the multiple goals of the ARDA and the deed of easement.

30 **BE IT FURTHER RESOLVED**, that we urge the SADC to adhere to the explicit language
31 of the entire deed of easement when seeking to reconcile the competing statutory goals embodied
32 in the language of documents guiding the preservation program regarding the protection of the
33 land base and the encouragement of a positive agricultural business climate.

34 **BE IT FURTHER RESOLVED**, that the Secretary of Agriculture and State Board of
35 Agriculture set up a sub-committee, containing representation from SADC and agricultural
36 interests, to further examine and discuss this issue.