

## RESOLUTION # 25

### FARMLAND PRESERVATION

1           **WHEREAS**, the purpose of the Farmland Preservation Program is to preserve  
2 the state's agricultural land base, helping to ensure the continued viability of New  
3 Jersey's agricultural industry; and

4           **WHEREAS**, as of December 2, 2016, 2,440 farms covering 223,386 acres had  
5 been permanently preserved statewide, including 144 farms covering 17,425 acres in  
6 the Pinelands and 517 farms covering 41,100 acres in the Highlands, which contribute  
7 not only to a secure land base for agricultural operations, but also to a host of other  
8 quality-of-life benefits, such as an increase in the total number of acres of open space in  
9 New Jersey, at both the local and statewide level; and

10           **WHEREAS**, preserved farmland remains privately managed and continues to  
11 contribute tax revenue to municipal budgets while demanding very little in public  
12 services; and

13           **WHEREAS**, Governor Christie in June 2016 signed into law legislation that  
14 allocates preservation funding from the Constitutional dedication of a portion of the  
15 Corporate Business Tax (CBT) that was approved by voters and provides a stable  
16 funding source through the Corporate Business Tax (CBT) that does not rely upon  
17 repeatedly asking voters to approve bond referenda; and

18           **WHEREAS**, of the total funding annually available for preservation programs  
19 through FY2019, the Farmland Preservation Program will receive 31 percent; and

20           **WHEREAS**, the SADC in September 2016 approved a \$65.3 million farmland  
21 preservation appropriations request for FY2017 that includes FY2017 CBT funding  
22 estimated at \$16.6 million, remaining FY2016 CBT revenues not previously made

23 available, unexpended CBT monies in the state's Diesel Risk Mitigation Fund that are  
24 being redirected for farmland preservation purposes and reprogrammed bond funds; and

25 **WHEREAS**, that funding is urgently needed to enable New Jersey to continue to  
26 preserve farmland, which is the land most vulnerable to development; and.

27 **WHEREAS**, the legislation signed into law authorizes the State Agriculture  
28 Development Committee (SADC) to allocate up to three percent of its annual CBT  
29 funding to stewardship activities; and

30 **WHEREAS**, the SADC's FY2017 appropriations request includes approximately  
31 \$1.5 million – the maximum available – for stewardship activities, including supporting  
32 the existing Soil and Water Conservation Cost-Share Program for farms that are  
33 permanently preserved or enrolled in Eight-Year Programs; and

34 **WHEREAS**, recognizing the urgent need for deer fencing across the state, the  
35 SADC in its appropriations request also provided for a new stewardship program to  
36 provide cost-share grants for deer fencing on permanently preserved farms; and

37 **WHEREAS**, the SADC's appropriations request is subject to approval by the  
38 Garden State Preservation Trust and appropriation by the Legislature; and

39 **WHEREAS**, it is essential that the availability of preserved farmland for  
40 agricultural purposes remain the central impetus behind preserving such land, yet the  
41 SADC must also be open to flexibility when farmers on preserved land present new  
42 ideas in New Jersey's ever-changing agricultural make-up, and thus be willing to update  
43 its views as to what encompasses allowable agricultural uses of preserved farmland;  
44 and

45 **WHEREAS**, P.L. 2014, Ch. 16, signed into law in July 2014, allows wineries to  
46 conduct special occasion events on preserved farmland under certain conditions under a  
47 44-month pilot program that expires on March 1, 2018; and

48           **WHEREAS**, the SADC’s pilot program is largely focused on identifying and  
49           collecting the information it needs throughout the pilot program in order to be in a  
50           position to make recommendations to the Legislature at the program’s conclusion; and

51           **WHEREAS**, because the law provides for the SADC or a county agriculture  
52           development board to request an audit if necessary to determine a winery’s compliance,  
53           the SADC is working with a financial consultant with expertise in providing accounting  
54           services for wineries in order to develop rules to ensure uniform and workable SADC  
55           audit procedures; and

56           **WHEREAS**, it also is imperative to help farmers on preserved land to limit  
57           damage to their crops from wildlife, especially from New Jersey’s large white-tailed deer  
58           population; and

59           **WHEREAS**, it also is essential that restrictions on which crops can be grown on  
60           preserved lands in specific areas (e.g., the Pinelands) must include flexibility to enable  
61           the farmer to continue farming if disease, pests or economic conditions render obsolete  
62           the limited number of crops allowed to be produced in those areas; and

63           **WHEREAS**, in order to ensure adequate farmer representation and participation  
64           at all SADC meetings, it is imperative that alternate members be afforded the ability to  
65           cast votes when they are standing in for members.

66           **NOW, THEREFORE, BE IT RESOLVED**, that we, the delegates to the 102<sup>nd</sup>  
67           State Agricultural Convention, assembled in Atlantic City, New Jersey, on February 8-9,  
68           2017, support the permanent protection of New Jersey’s farmland through the Farmland  
69           Preservation Program.

70           **BE IT FURTHER RESOLVED**, that we urge the SADC to continue its planning  
71           incentive grant process, which to date has resulted in the development of 18 county  
72           comprehensive farmland preservation plans and 47 municipal plans that address  
73           strategies not only to preserve farmland but to sustain agriculture as an industry.

74           **BE IT FURTHER RESOLVED**, that we support the structure of those plans  
75 including one-, five- and 10-year goals that target the preservation of 25,000 acres at a  
76 cost of \$302 million in one year; 112,000 acres at a cost of \$1.23 billion over five years;  
77 and 214,000 acres at a total cost of \$2.27 billion over 10 years.

78           **BE IT FURTHER RESOLVED**, that we strongly urge the Garden State  
79 Preservation Trust and the Legislature to act promptly to approve making those monies  
80 immediately available to avoid a significant interruption in New Jersey’s farmland  
81 preservation effort.

82           **BE IT FURTHER RESOLVED**, that we urge the Department to work with New  
83 Jersey Farm Bureau and other agricultural organizations to increase education of the  
84 public about the economic differences between preserving farmland, which is privately  
85 managed, and publicly owned and managed open space.

86           **BE IT FURTHER RESOLVED**, that we support the SADC’s continued efforts to  
87 make it easier for farmers to access the land and information they need to be successful,  
88 including coordinating the NJ Land Link website that assists farmers searching for land  
89 and partnership/job opportunities, making available the SADC’s “Leasing Farmland in  
90 New Jersey” guidebook that explains the factors farmers, as well as farmland owners,  
91 should consider when entering into leasing agreements and supporting beginning  
92 farmers through appropriate resource referral and through research on access-to-land  
93 farm incubator models.

94           **BE IT FURTHER RESOLVED**, that we strongly encourage the SADC to institute  
95 a requirement that preserved farmland be kept in agricultural enterprise and production  
96 (where feasible and permissible) in accordance with all provisions of the Deed of  
97 Easement, rather than available for agricultural production, to ensure these lands  
98 continue to contribute to New Jersey’s agricultural industry, and further we encourage

99 the SADC to establish stewardship requirements for preserved farmland to ensure  
100 preserved farmland is properly maintained.

101 **BE IT FURTHER RESOLVED**, that we support continued discussion by the  
102 SADC's Deed of Easement Subcommittee to help clarify provisions of the deed of  
103 easement so that it is interpreted and enforced consistently and fairly across the state.

104 **BE IT FURTHER RESOLVED**, that we urge the SADC to acknowledge that the  
105 limitations set forth in the Deed of Easement are fixed at the time each landowner signs  
106 the Deed of Easement, and may not be unilaterally amended by regulations adopted by  
107 the SADC.

108 **BE IT FURTHER RESOLVED**, that we encourage the SADC to continue re-  
109 examining its list of what activities are permitted on preserved lands and to expand,  
110 where appropriate, the types of activities that can be permitted, provided they are  
111 consistent with the goals of the Farmland Preservation Program.

112 **BE IT FURTHER RESOLVED**, that we urge the Legislature to amend the  
113 Agriculture Retention and Development Act to provide for alternate farmer and public  
114 member representation on the SADC to ensure that those perspectives are fully  
115 represented when a farmer or public member is unable to attend an SADC meeting.

116 **BE IT FURTHER RESOLVED**, that we urge the SADC to interpret its authorizing  
117 statutes and regulations as broadly and liberally as possible to maximize the flexibility  
118 afforded to owners of preserved farmland.

119 **BE IT FURTHER RESOLVED**, that we support the SADC's efforts to learn as  
120 much as possible from the pilot program called for by P.L. 2014, Ch. 16, including by  
121 annually surveying winery owners, county agriculture development boards and  
122 municipalities, in order to help the Legislature evaluate at the end of the pilot program  
123 what worked and what might need improvement in the future.

124           **BE IT FURTHER RESOLVED**, that we urge the SADC to create plain-language  
125 documents regarding all the issues involved in farmland preservation, and to conduct  
126 outreach about those documents to those who have preserved their farms, those  
127 considering preservation, or those considering the purchase of a preserved farm,  
128 through avenues such as real-estate professionals, municipal planning and land-use  
129 offices, property auction houses and other appropriate entities.

130           **BE IT FURTHER RESOLVED**, that we urge the SADC to investigate the  
131 potential for establishing a deer-fencing program for farmers on preserved land, in order  
132 to minimize damage to their crops from the state's large white-tailed deer population.

133           **BE IT FURTHER RESOLVED**, that we urge the State Board of Agriculture to  
134 work diligently to keep farmer appointments to the SADC current at all times.

135           **BE IT FURTHER RESOLVED**, that we urge the SADC to investigate the  
136 potential for alternate members to cast votes, including whether that would require  
137 alternates to obtain State Senate confirmation.