

HIGHLANDS WATER PROTECTION & PLANNING ACT

AGRICULTURAL DEVELOPMENT RULES

FAQ

How will agricultural or horticultural development be regulated in the Highlands Preservation Area? Agricultural or horticultural development and activities will be regulated by the NJDA, not the DEP. Any agricultural or horticultural development that will add 3 percent or more of new agricultural impervious cover – individually or cumulatively – to the farm management unit in the preservation area, will be required to develop and implement a Farm Conservation Plan prior to the development activity. Any agricultural or horticultural development that will add 9 percent or more of new agricultural impervious cover – individually or cumulatively – to the farm management unit in the preservation area, will be required to develop and implement a Resource Management System Plan prior to the development activity.

What is the definition of Agricultural or Horticultural Development? Agricultural or Horticultural Development is defined as construction for the purposes of supporting common farm site activities, including, but not limited to: production, harvesting, storage, grading, packaging, processing and the wholesale and retail marketing of crops, plants, animals and other related commodities and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease and pest control, disposal of farm waste, irrigation, drainage and water management, and grazing.

What is the definition of agricultural impervious cover? Agricultural impervious cover is defined as “agricultural or horticultural buildings, structures, or facilities – with or without flooring – residential buildings and paved areas.” Temporary coverings used in farm operations such as: permeable, woven and non-woven geotextile fabrics that allow for water infiltration or impermeable materials that are in contact with the soil and are used for no more than two consecutive years are not considered as agricultural impervious cover.

What must the Farm Conservation Plan address? The Farm Conservation Plan must address the National and State Resource Concerns and Quality Criteria (Section III of the NJ-Field Office Technical Guide) for Soil, Water and Threatened & Endangered Species. Soil Resource concerns include – soil erosion and condition. Water Resource concerns include – water quality and quantity. Threatened & Endangered Species Resource concerns include – species and/or habitat, population, health and sustainability.

What must the Resource Management System Plan address? The Resource Management System Plan must address the National and State Resource Concerns and Quality Criteria (Section III of the NJ-Field Office Technical Guide) for Soil, Water, Air, Plants and Animals. The Water and Soil Resource concerns are outlined above. Air Resource concerns include – air quality. Plant Resource concerns include – plant adaptability, condition, T & E species, noxious and invasive plants, forage quality and

wildfire hazards. In addition to the Threatened & Endangered Species Resource concerns outlined above, Animal Resource concerns include – food, shelter, water, space, fragmentation, population imbalance, feed/forage quality and quantity, stress and mortality.

Can I continue farming if my farm is located in the preservation area? Yes, you can continue farming. The rules will only impact you if your agricultural/horticultural activities or development will add 3 percent or more of new agricultural impervious cover – as defined above – to the farm management unit in the preservation area.

Will my ability to farm be affected if located outside the Preservation area? No, the NJDA agricultural development rules only apply in the Preservation Area.

Is there any financial assistance available for plan development and implementation? It is anticipated that there will be little to no cost associated with plan development. Plan implementation costs will vary depending on the size of the operation and complexity of the plan. The more extensive plans may qualify for cost-share assistance that is available through state and federal conservation programs.

Are there any penalties for rule violations? Yes, there are penalty provisions in the rules. The NJDA will consider the seriousness and duration of the violation, the conduct of the operator, the amount of new agricultural impervious cover and whether the violation involves the failure to prepare or to implement the type of plan required when determining penalties.

Will I be able to build a home or rebuild a damaged home on my agricultural land? Yes. There are exemptions for single-family homes and rebuilds in the DEP rules.