

FINDING AND RECOMMENDATION OF THE WARREN COUNTY AGRICULTURE
DEVELOPMENT BOARD PURSUANT TO N.J.A.C. 2:76-2.3

WHEREAS, on November 1, 2000 ISE Farms, Inc. ("ISE") requested a determination from the Warren County Agriculture Development Board ("Board") that ISE's commercial farming operation constitutes a generally accepted agricultural operation or practice; and

WHEREAS, on November 7, 2000 notice of ISE's application was provided to the State Agriculture Development Committee (SADC) and to the municipal clerk of Franklin Township via certified mail, return receipt requested, and the notices were received by those entities; and

WHEREAS, on November 22, 2000 notice of a December 7, 2000 hearing by the board on ISE's request was provided to the SADC and municipality via certified mail, return receipt requested, and the notices were received by those entities; and

WHEREAS, by letter dated November 30, 2000 counsel for Franklin Township advised that the township did not believe that ISE satisfied the eligibility criteria for a commercial farm set forth in N.J.S.A. 4:1C-3 and -9; and

WHEREAS, by letter dated December 5, 2000 counsel for ISE responded that the eligibility criteria were satisfied; and

WHEREAS, the Board heard ISE's request on December 7, 2000 at which time Gregg Clanton, Vice President of ISE America, Inc. and David Sherwood, ISE's local plant manager, were sworn and provided testimony on the eligibility criteria and on the operations of ISE's egg-production facility in Franklin Township; and

WHEREAS, in support of its application ISE also submitted a certification of Gregg Clanton and the "Year 2001 Manure Disposal Plan" for the facility; and

WHEREAS, no one appeared in opposition to ISE's application; and

WHEREAS, at the hearing the board determined that ISE's Franklin Township facility met the eligibility criteria established by law; and

WHEREAS, at the conclusion of the hearing the Board determined to recommend that ISE's commercial farm operation constitutes a generally accepted agricultural operation or practice, subject to the Board's receipt of a written description of ISE's egg production and processing operations and a copy of the professional qualifications of the company's entomologist; and

WHEREAS, the said information was submitted by ISE on January 16, 2001, reviewed by the board and found to be satisfactory;

NOW, THEREFORE, on this 1st day of March, 2001, the Warren County Agriculture Development Board **FINDS** based upon the above record that ISE Farms, Inc. is a commercial farm owner or operator of its Franklin Township facility pursuant to the eligibility criteria contained in N.J.S.A. 4:1C-3 and -9. The Board further **RECOMMENDS** that ISE's site specific egg production and processing operations and 2001 manure disposal plan, attached hereto and incorporated herein by reference, be considered generally accepted agricultural operations or practices consistent with and furthering the permissible activities set forth in N.J.S.A. 4:1C-9(a), (b), (d), (e) and (g).

Janette L. Hendershot,
Secretary

Orrie Terpstra, Chairman