

A photograph of a farm scene. In the foreground, three horses of different colors (dark brown, chestnut, and black) are walking across a grassy field. In the background, there is a large white barn with a red roof and a white fence. The sky is overcast.

New Rules Affecting Equine Operators

Fall 2008

Equine Rules – Adopted August 4, 2008

1. N.J.A.C. 2:76-2B.3

Eligibility of Equine Activities
for RTF Protections

2. N.J.A.C. 2:76-2A.10

Agricultural Management Practice (AMP) for
Equine Activities on Commercial Farms



1. N.J.A.C. 2:76-2B.3 - Eligibility of Equine Activities for RTF Protections

- To receive RTF protections, a commercial equine operation must:

1) Meet the eligibility criteria in the RTF Act, including:

- Meet the definition of “commercial farm”
- Be located in an area where (as of 12/31/97 or thereafter) agriculture is a permitted use; or the farm was in operation as of 7/2/98
- Practices must conform with generally accepted practices (the new equine AMP)
- Comply with relevant Federal or State statutes, rules, and regulations
- Not pose a direct threat to public health and safety

2) Be in compliance with a farm conservation plan prepared in accordance with the NRCS FOTG (pursuant to the new rules)

More information on how to get a farm conservation plan:

- First point of contact: your local Soil Conservation District (SCD) office
 - 1) You complete a Request for Assistance form
 - 2) The SCD assigns work to regional NRCS offices

To find the District Manager's contact information for your Soil Conservation District, visit
<http://nj.gov/agriculture/divisions/anr/nrc/conservdistricts.html>
or call the NJDA at 609-292-5540
- If not satisfied with response from the SCD/NRCS, contact the SADC for referral to further NJDA resources
 - Contact David Kimmel, SADC, at 609-984-2504
- Related efforts: Working with the SCD/NRCS to build their capacity to develop farm conservation plans; also developing a CD tool to help farmers start their plans

Activities Eligible for RTF Protection

Had always been eligible:

- Breeding
- Raising
- Pasture
- Hay Production

Newly Added:

- Boarding
- Keeping
- Training
- Rehabilitation of horses
- Complimentary activities



Activities Eligible for RTF Protection (cont.)

- Complementary equine activities, including but not limited to: clinics, open houses, demonstrations, educational camps, farm events, competitions, and rodeos, as long as these activities are related to the marketing of horses that are raised, bred, kept, boarded, trained, or rehabilitated on the farm, and are in compliance with municipal requirements

- **Also protected: Sale and distribution of composted manure**
 - ✓ Manure must be generated on farm, and composted products must be generated on farm from materials generated on farm, with exception of necessary amendments
 - ✓ Vehicular activity on farm for purposes of sale/distribution of manure and composted products (described above) is eligible for RTF
 - ✓ Sale/distribution of manure not generated on farm, or compost generated from either some or all off-farm components, is not eligible for RTF

Income that may be used to satisfy the production requirements in the definition of “commercial farm” in the Right to Farm Act:

- Imputed income from pasturing horses
- Income from the sale of a horse trained or raised on the commercial farm for at least 120 days prior to time of sale
- Income from fees associated with raising a horse on a commercial farm for at least 120 days
- Income from breeding →



Income from breeding may include:

- Income from insemination fees, which involves the collection of semen from horses owned by the farm operator or owner, preparation of semen for insemination, and insemination
- Income from selling semen collected from horses owned by the farm operator or owner
- Income from stallion fees
- Income from the sale of a horse that has been bred from a mare owned by the farm operator or owner

Income that may NOT be used to satisfy the production requirements in the definition of “commercial farm” in the Right to Farm Act:

- Fees from boarding
- Fees from riding and driving lessons
- Fees from hippotherapy
- Monetary proceeds from racing
- Fees from training horses



Ensuring that farms eligible for RTF protection retain a reasonable agricultural production component or capacity:

- Area occupied by equine-related infrastructure may not exceed 15-25% of the farm's total usable area
- CADB determines % based on the level of, or proximity of the farm to, non-agricultural development



- **Total usable area = Gross farm size**
 - Freshwater wetlands acres
 - Land assoc'd with farm house



- **Equine-related infrastructure = buildings, structures, and parking/driveway areas used in support of equine activities, and appurtenant non-production areas**

- **Farms with total usable area \leq 150 acres**
 - Area occupied by equine-related infrastructure may not exceed 15-25% of total usable area (as determined by CADB)

- **Farms with total usable area $>$ 150 acres**
 - Area occupied by equine-related infrastructure may not exceed 15-25% of the first 150 acres of total usable area (as determined by CADB), plus 10% of all additional acres of total usable area beyond the first 150 acres

- **All farms**
 - “Concrete and asphalt” cover may not exceed 15% of total usable area

2. N.J.A.C. 2:76-2A.10

Agricultural Management Practice (AMP) for Equine Activities on Commercial Farms



Agricultural Management Practice (AMP)

Farm “stocking rates” – the amount of land area allocated to each horse for a specific period of time

Based on:

- Various management regimes
 - Pasture Regime
 - Drylot Regime
 - No Regular Turnout Regime
- Case-by-case determinations considering list of factors
(CADB would assemble a team of experts. i.e. Rutgers, NJDA Division of Animal Health, NRCS, etc.)



Agricultural Management Practice (AMP)

Farm “stocking rates” - continued

- Some of the factors considered in case-by-case determinations:
 - Horse size
 - Length of daily turnout
 - Pasture yield potential
 - Pasture management
 - Drainage
 - Soil type
 - Weather conditions and season
 - Manure management
 - Dust management



Agricultural Management Practice (AMP)

Manure management – must comply with all State and Federal regulations and a farm conservation plan

- Removal and disposal
 - Spreading on farm (in compliance with NRCS FOTG)
 - Removal off-site
 - On-site composting
- Storage
 - Short term (up to 3 months)
 - Long term (NRCS FOTG)
 - All storage facilities must be $\geq 50'$ from property line, $\geq 200'$ from adjacent residences, $\geq 100'$ from waters of the state
- Composting
 - In compliance with N.J.A.C. 2:76-2A.8

Agricultural Management Practice (AMP)

Riding and training areas

- Types of areas
 - Includes indoor and outdoor arenas, racetracks, training tracks
- Maintenance of arenas
 - Manure, shavings, and straw shall not be placed in arenas
 - Surface shall be maintained to prevent weeds, unmowed grass, and accumulation of debris, which can impede the flow of rainwater out of the arena, and serve as habitat for insects and rodents



Agricultural Management Practice (AMP)

Riding and training areas - continued

- Dust management
 - Goal is to minimize dust, as dust can never be completely eliminated
 - Must take all reasonable and economically feasible measures to minimize dust production and dissemination,
 - Waste oil shall not be used to control dust
 - Water Application



Agricultural Management Practice (AMP)

Fencing

- Setbacks – must be sufficient to:
 - prevent horses from causing damage to trees and shrubs on neighboring properties;
 - facilitate fence repair;
 - facilitate mowing; and
 - prevent neighbors from having impermissible access to the horses.
- Height
 - For non-electric fences, $>4'$ but $<8'$



Agricultural Management Practice (AMP)

Fencing – continued

▪ Types

- May be wood, wire mesh, high tensile wire, metal pipe, or other suitable material
- Appropriate warning signs posted for electric fences
- Barbed wire fencing is not recommended, but if used, risk to horses shall be minimized

▪ Fencing to control wildlife

- Shall conform to N.J.A.C. 2:76-2A.9, “Fencing installation Agricultural Management Practice for Wildlife Control”

Permissible Equine Activities On Preserved Farms

- The new RTF rules apply to all farms, preserved or not
- For preserved farms, however, the extent of infrastructure that is permitted is ultimately governed by the SADC's interpretation of the Farmland Preservation deed of easement, which may be more restrictive than the allowable limits for Right to Farm protection
- The SADC did not adopt a proposed rule that would have clarified permissible equine activities on preserved farms and included a limit on equine-related infrastructure. The SADC is instead working to establish consistent standards for allowable soil disturbance (for infrastructure and other activities) for all preserved farms.

Permissible Equine Activities On Preserved Farms

- Until such standards are developed, the SADC's policy regarding equine activities on preserved farms remains the following:
- Equine activities (boarding, training, rehab, etc.) are permitted as long as they are “ancillary” to the equine production activities on the farm, and are considered “common farmsite activities”

New Equine rules

1. N.J.A.C. 2:76-2B.3

Eligibility of Equine Activities for RTF Protections

2. N.J.A.C. 2:76-2A.10

Agricultural
Management Practice
(AMP) for Equine
Activities on
Commercial Farms



- The following slides provide an example of how a CADB or the SADC would follow the rules to calculate a given farm's equine-related infrastructure percentage, if a RTF complaint or SSAMP request arose that required the calculation be made.

Procedure for evaluating N.J.A.C. 2:76-2B.3(c)

1. Make GIS wetlands maps and reports (based on NJDEP data) to obtain:
 - Gross farm acres (G)
 - Freshwater wetlands acres (FWW)
2. Review farmland assessment records to obtain:
 - Land associated with farm house and other land not devoted to agriculture (HA)
3. Calculate total usable area (G-FWW-HA)
4. Calculate area occupied by equine-related infrastructure
 - Outline these areas on wetlands map
 - Use GIS program to add cumulative outlined area

Procedure (continued)

5. Calculate percent of total usable area occupied by equine-related infrastructure:

$$\frac{(\text{area occupied by equine-related infrastructure})}{(\text{total usable area})}$$

6. Make a site visit to verify the calculations
7. Similarly calculate and verify the concrete and asphalt area

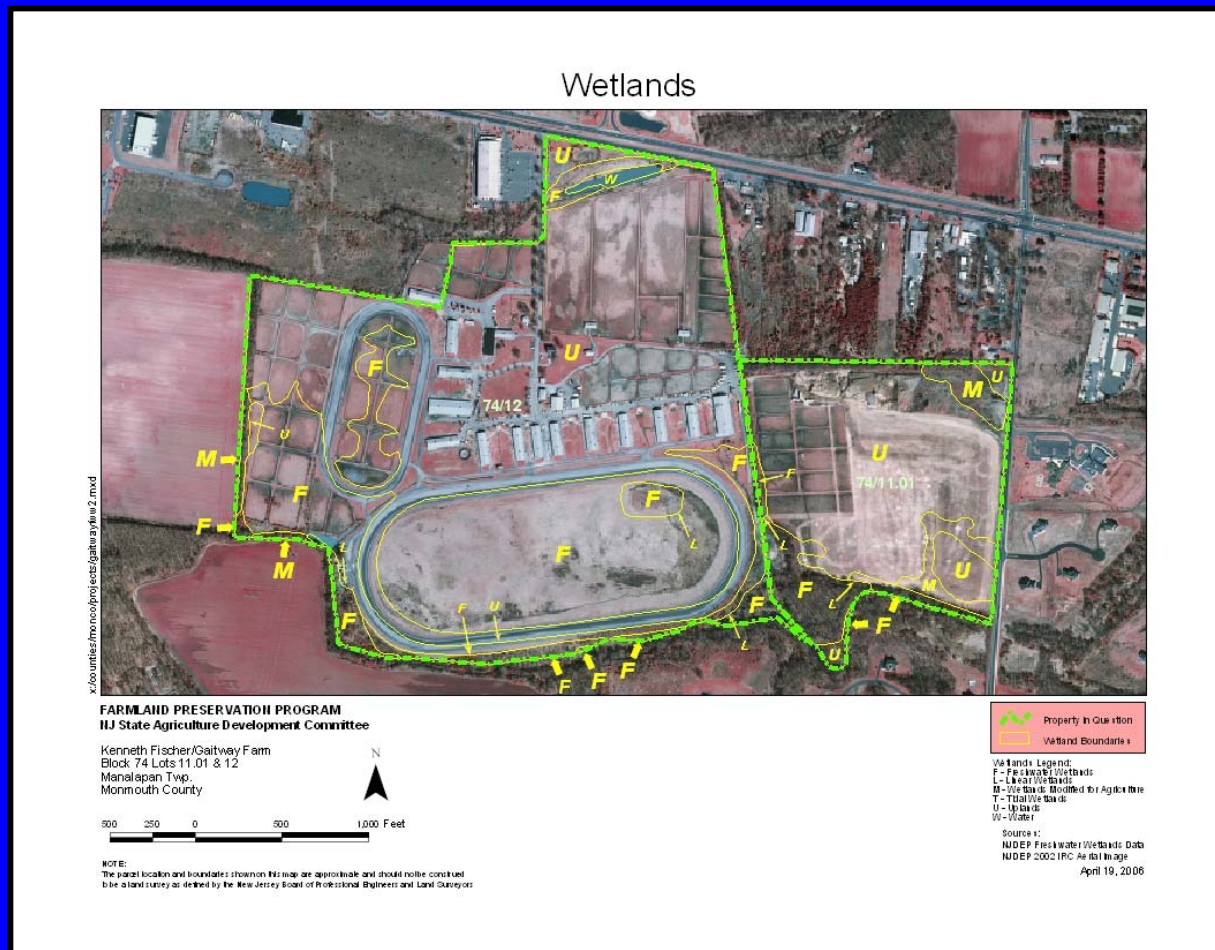


Example

Magical Acres,
Burlington County

1. Make wetlands map and report to obtain:

- Gross farm acres
- Freshwater wetlands acres



1. Make wetlands map and report to obtain:

- Gross farm acres
- Freshwater wetlands acres

NJ State Agriculture Development Committee Wetlands Classification

MAGICAL ACRES/PLISCO

Wetland Classification	Acres	Percentage
FWW	4.45	
UPLAND	88.01	
Total	92.46	

** Acres and Percentage Totals for Easement Acres only, Exception Statistics not included. **

Grand Total 92.46

2. Review farmland assessment records to obtain:

- Land associated with farm house and other land not devoted to agriculture

FORM FA-1
(REVISED APRIL, 2003)

APPLICATION FOR FARMLAND ASSESSMENT
REFER TO EXCERPTS OF THE LAW AND INSTRUCTIONS BEFORE COMPLETING

DIV. OF TAXATION

COUNTY _____ MUNICIPALITY _____ TAX YEAR _____

SECTION 1 - IDENTIFICATION INFORMATION (Please print or type all information)

(1) Owners Name _____ (8) Farm operator(s) other than owner: _____

(2) Mailing Address _____ (a1) Name _____
_____ (b1) Address _____

(3) Telephone () _____

(4) Land Location _____ (c1) Telephone () _____

(5) Block(s) Lot(s) _____ (a2) Name _____
(a) Qualification No (if assigned by assessor) _____ (b2) Address _____

(6) The land is farmed solely by owner
 rented to farmer
 farmed by owner and tenant

(7) Is farm deed restricted to agriculture? Yes No # of Acres _____ (c2) Telephone () _____

SECTION 2 - BREAKDOWN OF LAND USE CLASSES (All entries and totals must be accurate)

Insert the current year's acreage in the appropriate land use class. Indicate acres to the nearest hundredth (0.00) - DO NOT USE DIMENSIONS

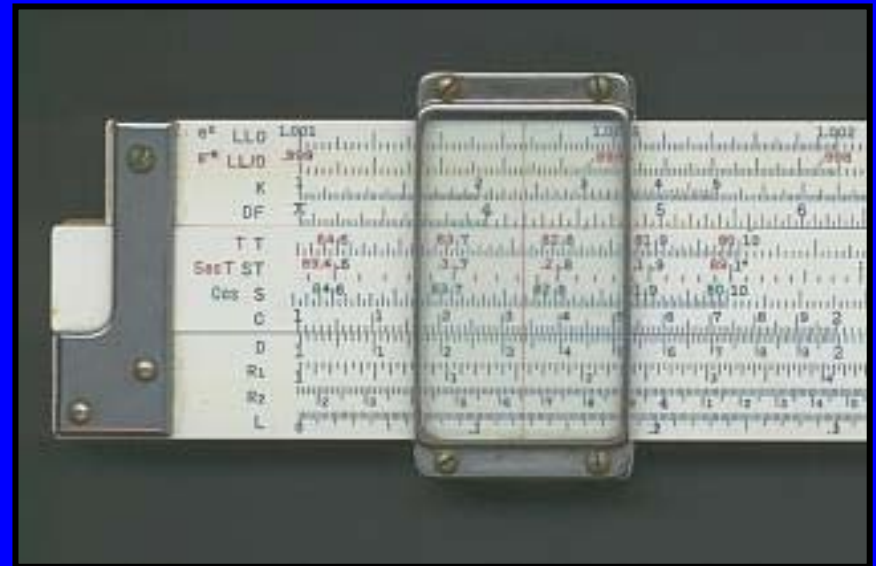
REFER TO DEFINITIONS OF LAND USE CLASSES UNDER "INSTRUCTIONS"

ACTIVELY DEVOTED LAND		Acreage	LAND NOT ACTIVELY DEVOTED		Acreage
(1) Cropland harvested		(1) _____	(8) Land under and land used in connection with farmhouse.	(8) _____	
(2) Cropland pastured	Don't include acreage in #5	(2) _____	(9) All other land not devoted to agricultural or horticultural use.	(9) _____	
(3) Permanent pasture		(3) _____	(10) TOTAL NOT DEVOTED TO AGRICULTURAL OR HORTICULTURAL USE (Sum of lines 8 & 9)	(10) _____	
(4) Non-appurtenant woodland (See instructions before making entry)		(4) _____	(11) TOTAL ACREAGE OF ALL LAND (Sum of lines 7 & 10)	(11) _____	
(5) Appurtenant woodland or wetland (See instructions before making entry)		(5) _____	*If less than 5 acres, cite the municipality, block(s) and lot(s) of contiguous acreage in adjacent municipality.		
(6) Acres used for: (don't include pastured acres)		(6) _____	(12) Is there a claim for land under:		
(a) _____ (b) _____ (c) _____		Total a, b & c _____	• Seasonal farm markets? Yes <input type="checkbox"/> No <input type="checkbox"/>		

3. Calculate total usable area

Total usable area = Gross farm size (minus)
– Freshwater wetlands acres
– Land associated with farm house

Total usable area =
92.46 (Gross)
– 4.45 (Freshwater Wetlands)
– 0.00 (Land with house)
88.01 acres



4. Calculate the area occupied by equine-related infrastructure

- Outline these areas on the wetlands map
- Use GIS program to add the cumulative outlined area

Area = 11.05 acres

Magical Acres



FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Magical Acres/Plisco Estate
Block 500 Lots 5, 6.01 & 6.08
Chesterfield Twp.
Burlington County

200 100 0 200 400 600 Feet

NOTE:
The parcel location and boundary lines shown on this map are approximate and should be construed to be a land survey as defined by the New Jersey Board of Professional Engineering and Land Surveyors



Wetlands Legend:
F - Freshwater Wetlands
L - Linear Wetlands
M - Wetlands Modified for Agriculture
T - Tidal Wetlands
U - Uplands
W - Water

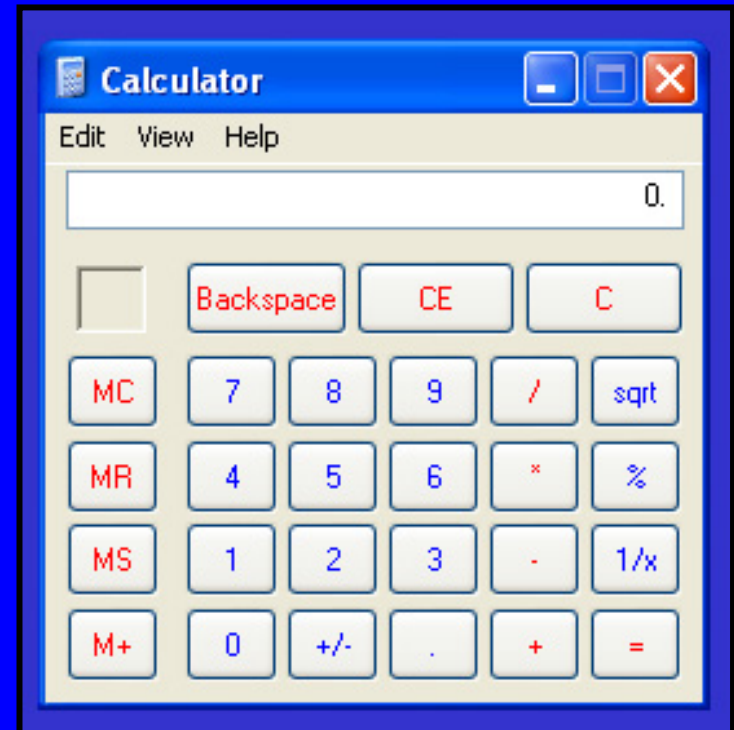
Sources:
NJDEP Freshwater Wetlands Data
NJDEP 2002 IRC Aerial Image

April 19, 2006

5. Calculate percent of total usable area occupied by equine-related infrastructure

$$\frac{(\text{area occupied by equine-related infrastructure})}{(\text{total usable area})} \times 100\%$$

$$\frac{(11.05 \text{ acres})}{(88.01 \text{ acres})} = 0.1256 = 12.56\%$$



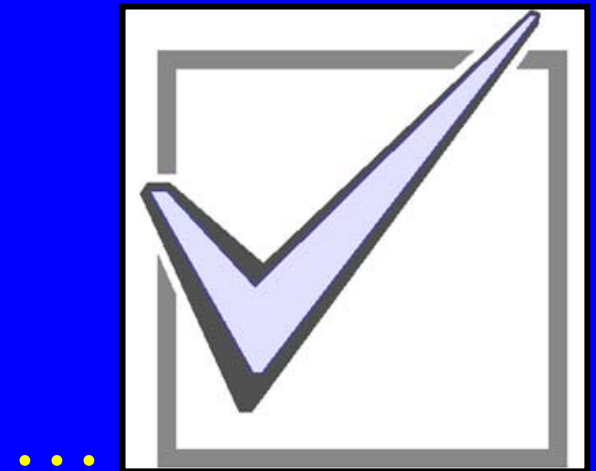
6. Make a site visit to verify the conditions and calculations



and...

Compare the calculated result to the permissible %

12.56% < (15 to 25)%



7. Calculate the concrete and asphalt area and check it does not exceed 15% of total usable area

- **Concrete and asphalt area** = the area of the farm occupied by buildings, or the portions of buildings, which have permanent concrete or asphalt flooring and are used in support of equine activities; and paved parking, driveway, and other areas used in support of equine activities.

