

**Policy Consideration:** **Agricultural Protection and Sustainability Requirements**  
**Status:** **For Consideration by the Highlands Council at**  
**the September 21, 2006 Work Session**  
**Date:** **September 19, 2006**

## **I. STAFF POLICY RECOMMENDATIONS**

- 1) The Regional Master Plan (RMP) shall provide for the protection of **Agricultural Resources** in the Highlands Region, and their protection areas shall be incorporated into the Land Use Capability Map (LUCM) in order to maintain, and enhance the Region's agricultural industry.

Rationale: The Agricultural Resources of the Highlands Region are vital, regionally significant resources in need of protection. The Highlands Act includes a specific finding that the agricultural industry in the Highlands Region is a "vital component of the economy, welfare, and cultural landscape of the Garden State." Section 2. In addition, Section 10 of the Act includes specific goals to preserve farmlands and promote agricultural uses and opportunities in the Highlands Region.

- 2) Establish **Agriculture Resource Areas** in the Land Use Capability Map to protect important agricultural resources in the Highlands Region.

Rationale: Section 11 of the Highlands Act requires a Resource Assessment in order to maintain and enhance the farmlands resources of the Highlands Region. The purpose for establishing Agriculture Resource Areas is to maintain and enhance the primary agricultural land base that is being used for, or offers the greatest potential for continued commercially significant agricultural production. An Agriculture Resource Area will include contiguous areas of 500 acres or more where parcels contain prime farmland soils are designated as in existing agricultural land use. An important factor used in determining important farmland is soil quality which is measured based on land capability classes, important farmland classes, and soil productivity rating. Soils data are prepared by the United States Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS) and are used as the reference to identify soil quality. Another major factor is agricultural contiguousness. Studies show that an effective way to preserve agricultural land is to amass contiguous acreage (agricultural land mass that is not separated by intervening non-agricultural development). The larger the mass of farmlands, the greater the opportunity to preserve sufficient acreage to provide for significant productivity and maintain a sense of and support for an agricultural community.

- 3) The following standards shall be incorporated into the **Regional Conservation Zone** of the Land Use Capability Map (LUCM) in furtherance of the goals and requirements of the Highlands Act to maintain and enhance farmland resources, as follows:

- Include all areas identified as an **Agriculture Resource Areas** to the maximum extent practicable.

Rationale: The Highlands Act requires the development of Land Use Capability Map and minimum standards based upon the Resource Assessment and Smart Growth Component. Sections 11.a.(1)(b), 11.a.(6) and 12. An assessment of the extent of Agriculture Resource Areas facilitates an understanding of its regional significance to ensure that the level of protection afforded is adequate and appropriate. The results are used as one input to the Land Use Capability Map.

- 4) The following **Resource Protection Standards** are required to support the goals and requirements of the Highlands Act to maintain and enhance Agricultural Resource Areas, including:
- Prohibit land development or alteration within an area determined to be an Agriculture Resource Area that is incompatible with the protection and management of Important Agricultural Soils and other natural resource protection requirements.
  - Limit permissible uses within an Agricultural Resource Area to maintenance of pre-existing uses, and the uses of land that support the preservation of farmland and the continued viability of the agriculture industry.
  - Include Agricultural Resource Area within municipal zoning and land use ordinances including site plan and subdivision review criteria and other techniques to maintain agricultural and horticultural uses and opportunities.
  - Require the incorporation of Agricultural Resource Areas within municipal and County Farmland Preservation Plans.
  - Encourage the utilization of Agricultural Conservation Practices within the Agricultural Resource Area that conform to the resource protection standards of the RMP to the maximum extent practical.
  - Encourage the application of Agroforestry practices and techniques to cultivated farmland within the Agricultural Resource Area and Forest Resource Area.
  - Encourage owners/operators of farmland with woodlots to have approved woodlot or forest management plans within the Agricultural Resource Area that conform to the resource protection standards of the RMP to the maximum extent practical.
  - Encourage the inclusion of appropriate wildlife and invasive species management techniques in any Management and Stewardship Plan developed by a State, county or municipal government entity within the Agriculture Resource Area as part of conformance and/or consistency with the RMP.
  - Encourage the use and expansion of current Agricultural Conservation Practices and cost sharing programs such as integrated pest management, soil conservation and nutrient management. See Appendix A which lists more of these practices.
  - Encourage the preservation of Agriculture Resource Areas through easement or other preservation methods.

Rationale: The RMP Standards support the policies necessary to maintain and enhance the farmland resources in the Highlands Region. Section 11.a.(1)(b). The Highlands Act requires the development of Land Use Capability Map and minimum standards based upon the Resource Assessment and Smart Growth Component. Sections 11.a.(1) , 11.a.(6) and 12. The implementation of agricultural conservation practices generally results in positive benefits. Many of these practices reduce the use of pesticides and fertilizers, reduce production costs because of the lesser need for chemical applications, reduce farm worker and consumer exposure to pesticides and improve water quality.

- 5) The following **Smart Design Standards** are required to support the goals and requirements of the Highlands Act to maintain and enhance Agricultural Resource Areas, including:
- Require ordinances, consistent with the “Right to Farm Act” which provide protections for active farm owners or operators and allow flexibility in regulations to accommodate the needs of agricultural operations to address issues such as seasonal needs, parking, temporary signs and off-site signs.
  - Require the adoption of compact development ordinances including mandatory clustering provisions within the Agriculture Resource Area to adequately protect farmland and sensitive environmental resources through dedication of at least 80 percent of the site to farmland and open space preservation.

Rationale: The Highlands Act requires the development of Land Use Capability Map and minimum standards based upon the Resource Assessment and Smart Growth Component. Sections 11.a.(1), 11.a.(6) and 12. The Rural Conservation Zone includes significant agricultural areas and the concentration of development potential from large areas into compact development areas with preservation, through a conservation easement, of the undeveloped areas provides support for the preservation of farmland and the continued viability of the agriculture industry.

- 6) The following **Conformance Strategies** are recommended in furtherance of the goals and requirements of the Highlands Act to insure successful implementation of the RMP during the conformance period, including:
- Require a municipality or county with agricultural or horticultural resources in the Agricultural Resource Area to include these areas in **Farmland Preservation Plans** and the Conservation Plan elements in their respective master plans.
  - Encourage a municipality or county with agricultural or horticultural resources in the Agricultural Resource Area to develop an Agriculture Sustainability Plan that includes the incorporation of the local agriculture industry into an economic development plan.

- Encourage an Agriculture Sustainability Plan that includes the use and expansion of marketing practices that include but are not limited to alternative marketing and Community Supported Agriculture.
- Develop technical guidelines to assist municipalities in the development of Agriculture element and Agriculture Sustainability plans.

Rationale: RMP Implementation Strategies support the necessity to determine what activities, data and programs will be required of both the Council and municipal and county stakeholders during the Plan Conformance process as well as what initiatives will require longer term planning goals. Sections 11.a.(3), 14 and 15. Including agriculture resource areas in a municipal and county master plan will focus the governing body's dedication to the preservation of agriculture through clearly identifying municipal and county agricultural policies.

In order to maintain a profitable, strong agricultural industry an environment must exist that supports agriculture as a business. As a result, agricultural representation in local and regional business organizations and economic development agencies is recommended as well as integrating agriculture into traditional business support systems. Local Chambers of Commerce and associated organizations can aid in developing a Community Supported Agriculture program that links growers with local buyers and residents and help work with the State, county and local tourism boards to promote agritourism and eco-tourism activities to support the farm economy by allowing farmers to benefit from additional sources of income. Additionally local ordinance should be more flexible to allow farmers to expand their business.

At the same time, identifying and facilitating the creation of new markets helps farmers access an ever-changing marketplace. Farmers across the country are finding that innovative marketing strategies can improve profits. Direct marketing of agricultural goods may include selling at farmers markets, roadside stands, or through the world-wide web; delivering to restaurants and small grocers. Another method of innovative marketing is the use of Community Supported Agriculture, sometimes known as "subscription farming," Subscription farming (or marketing) arrangements tend to emphasize the economic benefits, for the farmer as well as consumer, of a guaranteed, direct market for farm products. Growers typically contract directly with customers, who may be called "members," and who have agreed in advance to buy a minimum amount of produce at a fixed price, but who have little or no investment in the farm itself.

- 7) The following **5-year Resource Protection and Planning Goals** are recommended in furtherance of the goals and requirements of the Highlands Act to ensure continued refinement and development of the RMP, including:
- Maintain an inventory Active Highlands Region Farms.
  - Continue to coordinate and standardize data collection among State and county agencies regarding open space and farmland preservation.

- Develop indicators to serve as an assessment tool in meeting agricultural and horticultural goals and policies.

Rationale: The Highlands Act requires the Highlands Council to periodically revise and update the RMP at least once every six years. Section 8.a. RMP Implementation Strategies support the necessity to determine what activities, data and programs will be required of both the Council and municipal and county stakeholders during the Plan Conformance process as well as what initiatives will require longer term planning goals. The RMP is a “living document” and will continue to be refined and developed in support of regional planning goals. In order to facilitate regional planning goals it is imperative that the RMP have State, County, and local support from all levels of government and the support of the stakeholders of the Highlands Region. Sections 11.a.(3), 14 and 15.

- 8) The following **Coordination and Consistency Considerations** are recommended to promote active participation in the implementation of the RMP among state and federal agencies:

Department of Agriculture, State Agriculture Development Committee and the Garden State Preservation Trust

- Support full capitalization of programs that purchase agricultural properties either in fee or by easement and encourage farmers to utilize these programs.
- Encourage the preservation of Agriculture Resource Area farms under the SADC preservation programs.
- Assist in the development a Forest Easement Purchase Program that can be utilized by SADC and the NJDEP Green Acres Program.
- Support the extension of the dual appraisal method in the Garden State Preservation Trust Act (Trust Act) under the SADC preservation programs beyond June 30, 2009. Under N.J.S.A. 13:8C-38.j, appraisals are calculated using two values including pre-Highlands Act (January 1, 2004) values and present day values. The higher of these two appraisal values is to be utilized as the basis for negotiation.
- Coordinate and standardize data collection among State and county agencies regarding open space and farmland preservation.
- Establish incentives for preserving farmland in exchange for a landowner’s agreement to permanently restrict the amount of impervious surface and agricultural impervious cover on a farm to a maximum of five percent of the total land area of the farm.

Federal Agency funding

- Encourage additional funding for Agriculture Resource Area farms under existing federal funding programs including but not limited to the Farm and Ranch Lands Protection Program and the Grassland Reserve Program.
- Recommend increased funding for programs that support the use of Agricultural Conservation Practices and the development of new programs in the Highlands Region. See Appendix B which lists these programs.

### Department of Agriculture

- Explore innovative programs for Active Highlands Region Farmers, addressing including but not be limited to: State pension and health care programs; State loan guarantee program; Life insurance program; and Equity insurance.
- Encourage the coordinated review of internal and external policies and plans of county and State agencies exist that impact farms.
- Encourage the examination Agriculture viability issues. For example, New Jersey regulations do not permit dairies to sell “raw” milk, milk that is neither pasteurized nor homogenized while neighboring states do.

9) The following **Local Participation Considerations** are recommended to promote the understanding and support for the RMP resource protection goals at the local level:

- Assist municipal and county entities to gather agricultural and horticultural resource information to update and track existing data.
- Develop educational and technical training programs for municipal officials and interested citizens and organizations to promote a viable and environmentally sustainable agricultural and horticultural industry in their communities and in the Highlands Region.
- Educate the public on the economic, cultural and resource value of maintaining a viable and environmentally sustainable agricultural and horticultural industry in the Highlands.
- Educate landowners living next to farms and within the Agriculture Resource Area of the activities that can take place on the farm and the ramifications of the Right to Farm Act.
- Encourage farmers to participate in land use planning and decision-making.
- Provide instructional programs in town and in schools to give residents and students options beyond the standard curriculum. Many of the next generation of farmers may include individuals who did not come from agricultural backgrounds.

Rationale: RMP Implementation Strategies support the necessity to provide for the maximum feasible local government and public input into the Highlands Council's operations. Section 11.a.(3). The RMP is a “living document” and will continue to be refined and developed in support of regional planning goals. In order to facilitate regional planning goals it is imperative that the RMP have State, County, and local support from all levels of government and the support of the stakeholders of the Highlands Region.

## II. REQUIREMENTS OF THE HIGHLANDS ACT AND RMP GOALS RELATED TO AGRICULTURAL PROTECTION AND SUSTAINABILITY:

### Findings of the Highlands Act:

The Highlands Act includes specific legislative findings relating to agriculture:

“The Legislature further finds and declares that there are approximately **110,000 acres of agricultural lands in active production** in the New Jersey Highlands; that these lands are **important resources of the State that should be preserved**; that the agricultural industry in the region is a **vital component of the economy, welfare, and cultural landscape of the Garden State**; and, that in order to preserve the agricultural industry in the region, it is necessary and important to recognize and reaffirm the goals, purposes, policies, and provisions of the ‘Right to Farm Act,’ P.L.1983, c. 31 (C.4:1C-1 et seq.) and the **protections afforded to farmers** thereby.” Section 2. (emphasis added).

“[T]he **maintenance of agricultural production** and a positive agricultural business climate should be **encouraged to the maximum extent possible** wherever appropriate in the New Jersey Highlands.” Section 2. (emphasis added).

### Goals of the Highlands Act:

In accordance with Section 10 of the Highlands Act, the overarching goal of the Regional Master Plan “with respect to the entire Highlands Region shall be to protect and enhance the significant values of the resources thereof in a manner which is consistent with the purposes and provisions of this act.” Section 10.a.

The Highlands Act establishes specific goals relating to agriculture. Those goals with respect to the Preservation Area shall be to:

- protect, restore, and enhance the **quality and quantity of surface and ground waters**. Section 10.b.(1). (emphasis added).
- preserve extensive and, to the maximum extent possible, contiguous areas of land in its natural state, thereby ensuring the continuation of a Highlands environment which contains the **unique and significant natural, scenic, and other resources representative of the Highlands Region**. Section 10.b.(2). (emphasis added).
- protect the natural, scenic, and other resources of the Highlands Region, including but not limited to contiguous forests, wetlands, vegetated stream corridors, steep slopes, and critical habitat for fauna and flora. Section 10.b.(3). (emphasis added).
- preserve **farmland** and historic sites and other historic resources. Section 10.b.(4).
- promote **conservation of water resources**. Section 10.b.(6).
- promote compatible **agricultural, horticultural**, recreational, and cultural uses and opportunities within the framework of protecting the Highlands environment. Section 10.b.(8). (emphasis added).
- prohibit or limit to the maximum extent possible construction or development which is **incompatible with preservation of this unique area**. Section 10.b.(9). (emphasis added).

In addition, the goals with relating to protection of riparian areas with respect to the Planning Area shall be to:

- protect, restore, and enhance the **quality and quantity of surface and ground waters**. Section 10.c.(1). (emphasis added).
- preserve to the maximum extent possible any environmentally sensitive lands and other lands needed for **recreation and conservation purposes**. Section 10.c.(2). (emphasis added).
- protect and maintain the **essential character of the Highlands environment**. Section 10.c.(3). (emphasis added).
- preserve **farmland** and historic sites and other historic resources. Section 10.c.(4). (emphasis added).
- promote the continuation and expansion of **agricultural, horticultural**, recreational, and cultural uses and opportunities. Section 10.c.(5). (emphasis added).
- promote **conservation of water resources**. Section 10.c.(7).

Requirements of the Highlands Act:

*Resource Assessment*

The Highlands Act includes specific requirements relating to protection of agricultural resources requiring the development of a Resource Assessment for the Highlands Region which “(a) determines the amount and type of human development and activity which the ecosystem of the Highlands Region can sustain while still maintaining the overall ecological values thereof, with special reference to surface and ground water quality and supply; contiguous forests and woodlands; endangered and threatened animals, plants, and biotic communities; **ecological factors relating to the protection and enhancement of agricultural or horticultural production or activity**; air quality; and other appropriate considerations affecting the ecological integrity of the Highlands Region; and (b) includes an assessment of scenic, aesthetic, cultural, historic, open space, **farmland**, and outdoor recreation resources of the region, together with a determination of overall **policies required to maintain and enhance** such resources.” Section 11.a.(1)(a) and (b)(emphasis added).

*Smart Growth Component*

The Highlands Act also includes specific requirements relating to protection of agricultural resources requiring the development of a Smart Growth component that includes “an assessment, based upon the resource assessment prepared pursuant to paragraph (1) of subsection a. of this section, of opportunities for appropriate development, redevelopment, and economic growth, and a transfer of development rights program . . . . In preparing this component, the council shall:

- prepare **a land use capability map**;
- identify existing developed areas capable of sustaining redevelopment activities and investment;
- identify undeveloped areas in the planning area, which are not significantly constrained by environmental limitations such as steep slopes, wetlands, or dense forests, are not **prime agricultural areas**, and are located near or adjacent to existing development and infrastructure, that could be developed. Section 11.a.(6)(emphasis added).

*Preservation Area Assessment*

For the Preservation Area, Section 12 of the Highlands Act requires “**a land use capability map** and a comprehensive statement of policies for planning and managing the development

and use of land in the preservation area, which shall be based upon, comply with, and implement the **environmental standards” adopted by NJDEP and the Resource Assessment prepared the Highlands Council** under Section 11. Section 12.(emphasis added).

Section 12 specifically requires implementation “that will ensure the continued, uniform, and consistent protection of the Highlands Region in accordance with the goals, purposes, policies, and provisions of this act, and shall include:

- a. a preservation zone element that **identifies zones within the preservation area where development shall not occur** in order to protect **water resources and environmentally sensitive lands** and which shall be permanently preserved through use of a variety of tools, including but not limited to land acquisition and the transfer of development rights; and
- b. minimum standards governing municipal and county master planning, development regulations, and other regulations concerning the development and use of land in the preservation area, including, but not limited to, standards for minimum lot sizes and stream setbacks, construction on steep slopes, maximum appropriate population densities, and **regulated or prohibited uses** for specific portions of the preservation area. Section 12.(emphasis added).

#### *Preservation Area Requirements*

The NJDEP’s rules at N.J.A.C. 7:38 are not applicable to most agricultural activities because the definition of a “Major Highlands development shall not mean an **agricultural or horticultural development** or **agricultural or horticultural use** in the preservation area.” Section 3. The following definitions from Section 3 are applicable:

**"Agricultural or horticultural development"** means construction for the purposes of supporting common farmsite activities, including but not limited to: the 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.

**"Agricultural or horticultural use"** means the use of land for common farmsite activities, including but not limited to: the 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.

In addition, Section 31 of the Highlands Act includes restrictions on “**agricultural or horticultural development** in the preservation area that would result in the increase, after the date of enactment of this act either individually or cumulatively, of **agricultural impervious** cover by three percent or more of the total land area of a **farm management unit.**” The Department of Agriculture has adopted regulations, at N.J.A.C. 2:92, to implement this provision requiring the review and approval by the local **soil conservation district** of a **farm conservation plan.**

Section 31 also includes restrictions on “**agricultural or horticultural development** in the preservation area that would result in the increase, after the date of enactment of this act either individually or cumulatively, of **agricultural impervious cover** by nine percent or more of the total land area of a **farm management unit.**” Where there is a nine percent increase, there is a requirement for the review and approval by the local soil conservation district and NJDEP of a resource management systems plan which shall be prepared and submitted by the owner or operator of the **farm management unit.**

#### *Local Participation Component*

A component to provide for the maximum feasible local government and public input into the council's operations, which shall include a framework for developing policies for the planning area in conjunction with those local government units in the planning area who choose to conform to the regional master plan. Section 11.a.(3).

#### *Coordination and Consistency Component*

A coordination and consistency component which details the ways in which local, State, and federal programs and policies may best be coordinated to promote the goals, purposes, policies, and provisions of the regional master plan, and which details how land, water, and structures managed by governmental or nongovernmental entities in the public interest within the Highlands Region may be integrated into the regional master plan. Section 11.a.(4).

### **III. TECHNICAL BASIS AND JUSTIFICATION FOR STAFF RECOMMENDATIONS**

The preservation of farmland and the promotion of agriculture in the Highlands Region are two essential objectives of the Highlands Act. The Legislature declared in Section 2 the Highlands Act that over 110,000 acres of agricultural lands in active production in the Highlands Region are important resources of the State that should be preserved, and that the agricultural industry in the Highlands Region is a vital component of the economy, welfare, and cultural landscape of the Garden State. The Legislature also declared that the maintenance of agricultural production and a positive agricultural business climate should be encouraged to the maximum extent possible wherever appropriate in the New Jersey Highlands.

To date, 16,099 acres have been preserved in the Highlands Planning Area and 10,024 acres have been preserved in the Preservation Area, totaling 26,123 acres since the inception of New Jersey's Farmland Preservation Program in 1983. However, in the Region, there are a total of 118,216 acres in agriculture land use. More than just preservation is needed to continue the viability of farming in the Highlands. Funds supporting sustainable farming practices are also needed.

In 2002, the USDA Forest Service undertook an update study of their 1992 New York – New Jersey Highlands Region report. The technical report of the study included a farmland conservation value assessment (CVA) as part of a broader CVA score that included four other resource factors for the two-state region. The reports objective for the productive farmland resources was to identify those areas that have the highest value for maintaining agriculture as a viable activity.

This objective was translated into a set of factors designed to identify and rank lands for their value for productive farmland. The assessment ranked areas having prime farm soils and larger contiguous tracts of farmland. Maintaining larger areas of contiguous farmland enhances the efficiency of farm operations and reduces conflicts with adjacent landowners, helping to sustain longer term viability of agricultural activities and the integrity of the rural landscape. This was accomplished by weighting tracts of contiguous farmland greater than 500 acres in size with a higher ranking.

With the Highlands Study's farmland CVA as background, it was determined that in order to maintain and enhance agricultural practices in the Highlands Region, an Agricultural Resource Area should be created to inform the Resource Assessment. Ranking the quality of agriculture lands was accomplished by assigning resource values to farm lands. The purpose for designating agriculture resource values is to preserve, stabilize, and enhance the primary agricultural land base that is being used for, or offers the greatest potential for continued commercially significant agricultural production. After examining many factor used to rank farmland, the evaluation system used in this report ranks farm parcels based on their relative agricultural importance using soil quality and the contiguity of agricultural parcels.

An important factor used in determining important farmland is soil quality which is measured based on land capability classes, important farmland classes, and soil productivity rating. Soils data are prepared by the United States Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS) and are used as the reference to identify soil quality. The four soil types that are considered important for farming are Prime, Statewide Importance, Unique, or Locally Important soils. Usually a percentage figure for each of these four soil categories is calculated for the entire farm.

In addition, studies show that an effective way to preserve agricultural land is to amass contiguous acreage (agricultural land mass that is not separated by intervening non-agricultural development). The larger the mass of farmland, the greater the opportunity to preserve sufficient acreage to provide for significant productivity; retain dealers of agricultural equipment and supplies nearby; and maintain a sense of and support for an agricultural community.

The term "sustainable agriculture" means something different to every farmer, agricultural community member, and policymaker. (RCRE). "Sustainable agriculture" was addressed by Congress in the 1990 "Farm Bill". Under that law, "the term sustainable agriculture means an integrated system of plant and animal production practices having a site-specific application that will, over the long term:

- Satisfy human food and fiber needs
- Enhance environmental quality and the natural resource base upon which the agricultural economy depends
- Make the most efficient use of nonrenewable resources and on-farm resources and integrate, where appropriate, natural biological cycles and controls
- Sustain the economic viability of farm operations
- Enhance the quality of life for farmers and society as a whole."

Sustainable agriculture also protects open space and the traditional characteristics of rural communities. Moreover, it helps landowners maintain their farms rather than being forced to sell their land because of pressure from development; keeping it in private ownership.

There are no federal, state, county or local standards for agriculture sustainability per se. "Sustainable agriculture does not refer to a prescribed set of practices. Instead, it challenges producers to think about the long-term implications of practices and the broad interactions and dynamics of agricultural systems. It also invites consumers to get more involved in agriculture by learning more about and becoming active participants in their food systems. A key goal is to understand agriculture from an ecological perspective--in terms of nutrient and energy dynamics, and interactions among plants, animals, insects and other organisms in agroecosystems --then balance it with profit, community and consumer needs." [Sustainable Agriculture Research and Education (SARE), *Exploring Sustainability in Agriculture: Ways to Enhance Profits, Protect the Environment and Improve Quality of Life*, (SARE, 2003).

#### IV. GLOSSARY

This section defines the terms that are used to develop the approach and methods that informed the proposed policy actions for this RMP element. Topic specific glossaries will contribute to the general RMP glossary of terms.

**“Active Highlands Region Farm”** means (1) a farm management unit of no less than five acres producing agricultural or horticultural products worth \$2,500 or more annually, and satisfying the eligibility criteria for differential property taxation pursuant to the "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.), or (2) a farm management unit less than five acres, producing agricultural or horticultural products worth \$50,000 or more annually and otherwise satisfying the eligibility criteria for differential property taxation pursuant to the "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.). *N.J.S.A. 4:1C-3.*

**“Agricultural or horticultural development”** means construction for the purposes of supporting common farmsite activities, including but not limited to: the 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. *Section 3.*

**“Agricultural impervious cover”** means agricultural or horticultural buildings, structures, or facilities with or without flooring, residential buildings, and paved areas, but shall not mean temporary coverings. *Section 3.*

**“Agricultural or horticultural use”** means the use of land for common farmsite activities, including but not limited to: the 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. *Section 3.*

**“Farm conservation plan”** means a site specific plan that prescribes needed land treatment and related conservation and natural resource management measures, including forest management practices, that are determined to be practical and reasonable for the conservation, protection, and development of natural resources, the maintenance and enhancement of agricultural or horticultural productivity, and the control and prevention of nonpoint source pollution.

**"Farm management unit"** means a parcel or parcels of land, whether contiguous or noncontiguous, together with agricultural or horticultural buildings, structures and facilities, producing agricultural or horticultural products, and operated as a single enterprise.

**“Impervious surface”** means any structure, surface, or improvement that reduces or prevents absorption of stormwater into land, and includes porous paving, paver blocks, gravel, crushed stone, decks, patios, elevated structures, and other similar structures, surfaces, or improvements. *Section 3.*

**"Major Highlands development”** means, except as otherwise provided pursuant to subsection a. of section 30 of this act, (1) any non-residential development in the preservation area; (2) any residential development in the preservation area that requires an environmental land use or water permit or that results in the ultimate disturbance of one acre or more of land or a cumulative increase in impervious surface by one-quarter acre or more; (3) any activity undertaken or engaged in the preservation area that is not a development but results in the ultimate disturbance of one-quarter acre or more of forested area or that results in a cumulative increase in impervious surface by one-quarter acre or more on a lot; or (4) any capital or other project of a State entity or local government unit in the preservation area that requires an environmental land use or water permit or that results in the ultimate disturbance of one acre or more of land or a cumulative increase in impervious surface by one-quarter acre or more. Major Highlands development shall not mean an agricultural or horticultural development or agricultural or horticultural use in the preservation area. *Section 3.*

**“Resource management systems plan”** means a site specific conservation system plan that (1) prescribes needed land treatment and related conservation and natural resource management measures, including forest management practices, for the conservation, protection, and development of natural resources, the maintenance and enhancement of agricultural or horticultural productivity, and the control and prevention of nonpoint source pollution, and (2) establishes criteria for resources sustainability of soil, water, air, plants, and animals. *Section 3.*

**“Soil conservation district”** means the same as that term is defined in R.S. 4:24-2. *Section 3.*

**“State Soil Conservation Committee”** means the State Soil Conservation Committee in the Department of Agriculture established pursuant to R.S. 4:24-3. *Section 3.*

## **V. APPENDIX A**

## **Examples of Sustainable Agriculture Conservation Practices**

### ***Integrated Pest Management (IPM)***

IPM is an approach to managing pests by combining biological, cultural, physical and chemical tools in a way that minimizes economic, health and environmental risks.

### ***Rotational Grazing***

Management-intensive grazing systems take animals out of the barn and into the pasture to provide high quality forage and reduced feed costs while avoiding manure buildup.

### ***Soil Conservation***

Many soil conservation methods, including strip cropping, reduced tillage and no-till, help prevent loss of soil due to wind and water erosion.

### ***Water Quality/Wetlands***

Water conservation and protection have become important parts of agricultural stewardship. Practices such as planting riparian buffer strips can improve the quality of drinking and surface water, as well as protect wetlands. Farm ponds can contribute to flood management and groundwater recharge as well as nesting and feeding habitat for various species of waterfowl.

### ***Cover Crops***

Growing plants such as rye, clover or vetch after harvesting a grain or vegetable crop or intercropping them can provide several benefits, including weed suppression, erosion control and improved soil nutrients and soil quality.

### ***Crop/Landscape Diversity***

Growing a greater variety of crops and livestock on a farm can help reduce risks from extremes in weather, market conditions or pests. Increased diversity of crops and other plants, such as trees and shrubs, also can contribute to soil conservation, wildlife habitat and increased populations of beneficial insects.

### ***Nutrient Management***

Proper management of manure, nitrogen and other plant nutrients can improve soil and protect the environment. Increased use of on-farm nutrient sources, such as manure and leguminous cover crops, also reduces purchased fertilizer costs.

### ***Agroforestry***

Agroforestry intentionally combines agriculture and forestry to create integrated and sustainable land-use systems. Agroforestry takes advantage of the interactive benefits from combining trees and shrubs with crops and/or livestock. Agroforestry practices include: alleycropping – an agricultural crop is grown simultaneously with a long-term tree crop to provide income while the tree crop matures; forest farming – the cultivation of high-value crops under the protection of a forest canopy; riparian forested buffers – streamside forest buffers are established to prevent non-point source pollution; silvopasture – combines trees with forage and livestock forage; and windbreaks – linear plantings designed to enhance crop production.

### ***Drought Assistance***

New Jersey has adopted a Drought Management Plan, which provides the guidelines and policies for water use during emergencies. The Drought Management Task Force implements these policies and provides hardship exemptions from water use restrictions when warranted. Agricultural water use including the irrigation of food and fiber crops, sod at commercial sod farms, water use for livestock and other animal operations is exempt from restrictions, provided that all watering is done in accordance with best management practices.

## **VI. APPENDIX B**

### **Examples of Existing Conservation and Technical Support Programs**

***Agricultural Management Assistance (AMA):*** Provides cost-share assistance to agricultural producers through the Natural Resources Conservation Service (NRCS) district offices to address risk management concerns linked to water management, water quality and erosion control issues. [www.nj.nrcs.usda.gov/programs/ama/](http://www.nj.nrcs.usda.gov/programs/ama/)

### ***Conservation of Private Grazing Land Program (CPGP)***

The CPGP program helps owners and managers of private grazing land address natural resource concerns while enhancing grazing land and rural communities. Privately owned grazing land is eligible, including private, State, Tribal, and other non-federally owned land managed to produce livestock and wildlife. Technical assistance is provided by NRCS in maintaining and improving grazing land, land management, conserving, improving, and maintaining water quality, fish and wildlife habitat, and recreational opportunities. Financial assistance is through other Farm Bill programs or other local resources. [www.nj.nrcs.usda.gov/programs/cpgp](http://www.nj.nrcs.usda.gov/programs/cpgp)

### ***Conservation Reserve Program (CRP) and Conservation Reserve Enhancement Program (CREP)***

CRP provides for annual rental payments and cost-share assistance to establish long-term resource conserving land covers on eligible farmland. CREP is a cooperative State-Federal conservation program targeted to address environmental impacts related to agricultural practices. The NJDA and NJDEP are co-sponsors for this voluntary program that offers financial incentives to encourage farmers to create stream buffers on existing farmland. CREP objectives are: to maintain and improve water quality by reducing agricultural pollutants into streams, and to enhance farm viability and to contribute to the State's open space goals.

Farmland enrolled in this program will be under rental contract for 10-15 years or placed into both a permanent easement contract and a 10-15 year contract agreement in order to reduce non-point source impairment through the preservation of stream buffers and implementation of conservation practices on existing farmland.

CREP targets 30,000 acres of agricultural land throughout the State. The program has been authorized for up to \$100 million in federal funds and involves a state match of \$23 million

over the life of the Program, and will pay 100% of the cost to establish the conservation practices and annual rental and incentive payments to the landowner.

The agricultural community supports the CREP program as it provides a way for New Jersey farmers to be recognized and compensated for their environmental stewardship. The industry also supports the voluntary nature of the Program and its ability to enhance farm viability. NRCS provides technical services for CREP, while the program is financially administered by the USDA Farm Services Agency. [www.fsa.usda.gov/dafp/cepd/crp.htm](http://www.fsa.usda.gov/dafp/cepd/crp.htm)

### ***Conservation Security Program (CSP)***

CSP rewards producers who are actively protecting soil and water quality on their cropland and pasture, provides additional incentives for exceeding minimum standards and applies to privately owned land that meets certain eligibility requirements. Based on participation tier, landowner will receive payments of up to \$45,000 annually for 5-10 years. NRCS administers this program. [www.nj.nrcs.usda.gov/programs/crp](http://www.nj.nrcs.usda.gov/programs/crp)

### **Deer Fencing Program**

The New Jersey Department of Agriculture and the New Jersey Department of Environmental Protection's Division of Fish and Wildlife provide assistance to farmers experiencing crop damage caused by deer. The cost-share program, in which the farmer would bear part of the cost and the responsibility for installation, provides fencing material, plus up to 30 percent of the line posts at no cost to qualified farmers.

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### ***Environmental Quality Incentives Program (EQIP)***

EQIP provides assistance to install permanent measures or adopt new management strategies that address existing resource concerns on farms. EQIP promotes agricultural production and environmental quality as compatible goals. Private agricultural land, including eligible cropland, rangeland, pasture, private non-industrial forest land, and other farm or ranch lands are eligible. Financial and technical assistance; cost share payments covering up to 75% of conservation practices for up to 10 years. [www.nj.nrcs.usda.gov/programs/eqip](http://www.nj.nrcs.usda.gov/programs/eqip)

### ***Farm and Ranch Land Protection Program (FRPP)***

As mentioned above, the FRPP is a Federal program managed by the USDA Natural Resources Conservation Service (NRCS). The goal of the program is to protect farm and ranch lands that contain prime, unique, or statewide and locally important soils or historic and archaeological resources from conversion to non-agricultural uses. The program preserves valuable farm and ranch lands for future generations. USDA NRCS achieves this goal by working cooperatively with State, Tribal, and local governments and non-governmental organizations.

For Federal fiscal year 2005, the SADC was provided a Federal cost-share grant in the amount of \$4.22 million for the preservation of farmland. This funding was used to provide

a 20 percent Federal cost-share on the purchase of development easements on eligible farmland. The Federal cost-share must be based on the current fair market value of the development easement. For farms located in the Highlands region, the SADC will apply the entire 20 percent Federal grant against the local cost share. This can result in a significant savings to the county and/or municipality.

Landowners who agree to accept federal funds are required to include deed restrictions that are specific to the federal Farm and Ranch Lands Protection Program. One of the requirements is a restriction on impervious coverage allowed on the premises. Depending on how the application ranks with regard to its size, percentage of important soils (prime, statewide, unique and locally important), and location in particular population densities, the amount of impervious cover will vary between two and six percent. Any farm less than 50 acres is eligible for one acre of impervious cover and landowners are also required to implement a farm conservation plan on highly erodible soils. The NRCS is responsible for preparing a farm conservation plan in cooperation with the landowner to address any conservation needs. [www.nj.nrcs.usda.gov/programs/frpp](http://www.nj.nrcs.usda.gov/programs/frpp)

#### ***Rutgers Cooperative Extension (RCE)***

The RCE helps the diverse population of New Jersey adapt to a rapidly changing society and improve their lives through an educational process that uses science-based knowledge. RCE focuses on issues and needs relating to agriculture and the environment; management of natural resources; food safety, quality, and health; family stability; economic security; and youth development.

#### ***Soil and Water Conservation Grants***

The SADC provides grants to eligible landowners to fund up to 75% of the costs of approved soil and water conservation projects, up to a capped amount that is renewed every eight years. Landowners apply to local Soil Conservation Districts, which assist in developing farm conservation plans. Farms must be permanently preserved or enrolled in an 8 year preservation program [www.nj.gov/agriculture/pdf/grants/soil&watergrants/pdf](http://www.nj.gov/agriculture/pdf/grants/soil&watergrants/pdf)

***Wildlife Habitat Incentives Program (WHIP):*** Under this program, NRCS assists landowners with habitat restoration and management activities specifically targeting fish and wildlife, including threatened and endangered species.  
[www.nj.nrcs.usda.gov/programs/whip/](http://www.nj.nrcs.usda.gov/programs/whip/)

#### ***Wetlands Reserve Program (WRP)***

WRP provides financial incentives to landowners to enhance and restore wetlands on lands previously drained for agricultural use. Landowners benefit by seeing a reduction in problems associated with farming in potentially difficult areas. Landowners must have owned the land for at least 12 months before enrollment. Most private wetlands that were converted before 1985 are eligible. Land must be restorable and meet certain eligibility requirements. *Permanent easement* – offers 100% of permanent easement and construction costs; *30-yr. Easement* – 75% of permanent easement and construction costs; *Restoration Cost-Share Agreement* – 75% cost-share for construction costs; agreements up to 10 years.  
[www.nj.nrcs.usda.gov/programs/wrp](http://www.nj.nrcs.usda.gov/programs/wrp)