**RESOLUTION #3**

**NJREAL RULE PROPOSAL**

**WHEREAS,** New Jersey farmers have a long history of working to protect the natural resources of soil, water, and air that sustain their businesses and livelihoods; and

**WHEREAS**, respecting and working within scientifically sound regulations to protect wetlands and floodplains on farms traditionally has been incorporated by farmers as a necessary part of helping to protect water resources; and

**WHEREAS,** a recently published rule proposal by the New Jersey Department of Environmental Protection (NJDEP), known as the Resilient Environments and Landscapes (NJREAL) proposal, while well-intentioned, attempts to project too far into the future during uncertain environmental times in establishing flood elevations by the year 2100, nearly 80 years into the future; and

**WHEREAS**, the rule proposal’s specific approach to these regulated waterways would increase the flood elevation by five feet above the 100-years-storm levels established by the Federal Emergency Management Agency (FEMA), all based on a 17-percent chance of a five-foot plus rise in sea levels by the target date of 2100; and

**WHEREAS,** this proposed rule would not only impact farms in coastal areas along the state’s coastlines with the Atlantic Ocean and Delaware River, but also inland farms near streams, canals, and human-made ditches connected to regulated waters, with drainage areas exceeding 50 acres; and

**WHEREAS**, in addition, human-made channels that connect to regulated waters would, under NJREAL, now require riparian buffers, mandating that any existing vegetation remains intact, and areas that have not been previously disturbed must stay undisturbed; and

**WHEREAS**, maintenance occurring on these ditches, the removal of sediment and debris, will be regulated under a general permit, or individual permit; and

**WHEREAS**, while the proposal allows for certain exemptions for some agricultural activity, it includes a very narrow definition of what the NJDEP would consider “actively farmed” land, and includes other restrictions on existing ground elevation and/or the construction of an above-ground structure within a “Flood Hazard Area;” and

**WHEREAS**, this rule proposal has been published in the New Jersey Register and the public comment period on it has closed; and

**WHEREAS**, this proposal included an “Agricultural Impact Statement” written by the NJDEP that has raised questions about whether its view of the rule “benefitting” agriculture is rooted in the reality of farm operations, especially as it did not include input from the New Jersey Department of Agriculture (NJDA) or the State Agricultural Development Committee (SADC).

**NOW, THEREFORE, BE IT RESOLVED**, that we, the delegates to the 110th State Agricultural Convention, gathered in Atlantic City, New Jersey, on February 5-6, 2025, do hereby state our vehement objection to the adoption by NJDEP of the NJREAL rule proposal, which would unduly harm the agricultural industry without providing sufficient scientific evidence to support the overreaching goals for 80 years into the future.

**BE IT FURTHER RESOLVED**, that we call upon the New Jersey State Board of Agriculture to empanel a subcommittee devoted solely to the issue of the NJREAL proposal and its impact on wetlands, floodplains and other issues of waters that would be regulated by NJREAL as it specifically impacts streams and other waterways running through New Jersey farms, and to engage the NJDEP in discussions regarding the issues in NJREAL that are of concern to the agricultural community.

**BE IT FURTHER RESOLVED**, that we urge the members of that State Board subcommittee include in their work a review of the “Agricultural Impact Statement” that the NJDEP included in its rule proposal without specific input into that statement from the SADC or NJDA.