

New Jersey State
Agriculture Development Committee

Soil Protection Standards



Most Common Public Comments Received in Response to Initial Proposal

- **Disagrees with approach for previously preserved farms in the program.**
- **Agrees with approach for previously preserved farms in the program.**
- **Agrees with BMP approach and implementation for new farms.**
- **Limit should be 8% or 2 acres; grandfather existing exceedances to 10-13%; no orange.**
- **Consider economic impacts to farms.**
- **Need clarification of roles of SADC and CADB staff in enforcement; fines?**
- **Too complicated for landowners to understand and CADB staff to administer.**

Pivoting from Reliance on BMPs to Simpler, “Bright-Line” Standards

- **Collapse 8 of the former 11 BMPs (“orange” and “yellow” categories) into either the “red” or “green” categories that are governed by definitions instead of technical standards.**
- **Add 3 of the former 11 BMPs to “supplemental standards” because they defy treatment by way of a simplistic definition.**
- **Include Rehabilitation Standards for disturbed soil, which if adhered to, would render that acreage “green” instead of “red.”**
- **Declare equine activities as “common farmsite activities” irrespective of whether they are production or service related, thereby no longer limiting the percentage of service relative to production.**

Soil Protection “Architecture”

SUBCHAPTER 25 - SOIL PROTECTION STANDARDS

§ 2:76-25.1 Applicability

§ 2:76-25.2 Purpose

§ 2:76-25.3 Definitions

§ 2:76-25.4 Limitations

§ 2:76-25.5 Exemptions

§ 2:76-25.6 Waivers

§ 2:76-25.7 Division of premises

§ 2:76-25.8 Rehabilitation

§ 2:76-25.9 Monitoring and Enforcement

SUBCHAPTER 25A - SUPPLEMENTAL SOIL PROTECTION STANDARDS

§ 2:76-26.1 Applicability

§ 2:76-26.2 Purpose

§ 2:76-26.3 Vegetative Cover Standard (former Livestock Training BMP and Parking/Storage BMP)

§ 2:76-26.4 Topsoil Stockpiling Standard (former Soil Stockpiling BMP; topsoil and subsoil now bifurcated)

§ 2:76-26.5 On-Farm Utility Construction Standard (former Ground-Mounted Solar BMP; now includes other

utilities)

Revised Land Use Chart (Orange Merged with Red and Yellow Merged with Green; No BMPs)

DISTURBANCE LIMITATIONS	SOIL EFFECTS CLASSIFICATION	LAND USES	LAND USE EXAMPLES	BRIGHT-LINE TESTS	FORMER BMPs
LIMITATIONS SET BY STANDARDS	SOIL DISTURBANCE	Cut/fill	Site leveling, stormwater basins, berms, non-organic stockpiles, manure lagoons, future ponds, tailwater recovery systems	Soil movement in excess of normal tillage as defined	Agricultural Water Impoundments BMP, (Sub)soil Stockpiling BMP
		Suspended Surfaces	Houses, garages, barns, sheds, covered arenas	Surface over soil as defined	Not applicable
		Ground-level Surfaces	Surfaced roads and parking lots, outdoor arenas, tracks, rip-rap, asphalt, concrete, gravel, pavers, bricks, blocks, shells, sand, cinders, recycled asphalt, dense graded aggregate, rock	Surface over soil as defined	Semi-permanent Livestock Training Areas BMP, Semi-permanent Parking and Storage Areas BMP, Semi-permanent Travel Lanes BMP
		Degraded soil	Frequently used unsurfaced roads and parking lots, sacrifice lots	Less than 70% vegetative cover as defined	Not applicable
EXCEPTIONS FROM LIMITATIONS	SOIL PROTECTION	Cut/fill	Topsoil stockpiles	Supplemental Standards - Topsoil Stockpiling	(Top)soil Stockpiling BMP
			Cranberry bogs	Definition	Not applicable
			Conservation practices planned to NRCS standard	Definition	Not applicable
			Soil preparation for production	Definition	Not applicable
		Suspended Surfaces	Hoop houses/temporary greenhouses	Definition	Temporary Structures BMP
			Temporary tents	Definition	Temporary Structures BMP
			Temporary movable structures	Definition	Temporary Structures BMP
			Solar panels/other utilities	Supplemental Standards - On-Farm Utility	Ground-Mounted Solar Energy Facilities BMP
		Ground-level Surfaces	Permeable geotextiles (weed fabric)	Definition	Geotextiles and Geomembranes BMP
			Other temporary ground covers (timber mats)	Definition	Not applicable
			Farm lanes	Definition	Temporary Travel Lanes BMP
			Seasonal parking, overflow event parking,	Supplemental Standards - Vegetative Cover	Temporary Parking and Storage Areas BMP
			Livestock turnout areas	Supplemental Standards - Vegetative Cover	Temporary Livestock Training Areas BMP
Ag. and Natural Resources	Organic surfaces, mulch, wood chips, leaves	Definition	Not applicable		
	Cropland, pastureland, lawn, fallow fields, R.O.W.	Normal tillage as defined	Not applicable		
	Woodland, wind breaks, forestry activities	Definition	Not applicable		
	Natural wetlands, streams, existing ponds	Definition	Not applicable		
NO LIMITATIONS		Former disturbed areas	Soil Rehabilitation Standard	Not applicable	

Comparison of Disturbance Limits Proposals (Applies to Already-Preserved and Future Farms)

	ORIGINAL LIMITATIONS	REVISED LIMITATIONS	
Permanent Disturbance ("Red")	Up to 8% of the premises or 6 acres, whichever is greater.	Up to 12% of the premises or 4 acres, whichever is greater.	Soil Disturbance
Semi-Permanent Disturb. ("Orange")	Additional 5% if following BMPs; subject to 8%/6 acres if not following BMPs.	"Orange" included with "Red" and subject to 12%/4-acre limitation.	
Temporary Disturbance ("Yellow")	No limitation if following BMPs; subject to 8%/6 acres if not following BMPs.	"Yellow" included with "Green" and not subject to limitations if definitions followed.	Soil Protection
Soil Protection ("Green")	No limitations.	No limitations.	
Farms Over Disturbance Limit	Additional 2% or 2 acres, whichever is greater (for already-preserved farms only).	Additional 3% and 2 acres up to a max. limit of 15%/6 acres, whichever is greater (for already-preserved farms only).	Farms Within 50% of Disturb. Limit

Updated Disturbance Mapping and Attendant Statistics

- Rowan engaged to map the most highly disturbed farms using the updated land use chart and aerial imagery.
- Of the 2,676 farms in the program, **41 farms** have utilized **50% or greater** of the 12%/4-acre proposed allocation.
- Of these 41 farms, the **mean disturbance** is approximately **12%** of the premises and **median disturbance** is roughly **4 acres**, which seems to affirm the Subcommittee's preferred allocation.
- In comparison, **mean disturbance** on all 2,676 preserved farms in the program is **1%** of the premises and **median disturbance** is **1/2-acre**.

Compliance Metrics and Effects of Proposed Waiver

- A total of **18** farms out of **2,676** farms are non-compliant with the proposed 12%/4-acre limitation without the waiver, including Quaker Valley Farms.
- A total of **7** farms out of **2,676** farms are non-compliant with the proposed 15%/6-acre waiver applied, including Quaker Valley Farms.
- When applying the waiver, total disturbance utilization for the **41** farms within **50%** of their allocation drops from an average of **90%** down to **64%**.
- Thus, even for the most highly disturbed farms in the program, future growth is achievable with the proposed limitation and waiver process.

Concepts Without Subcommittee Concurrence

- **Transfer of Disturbance Rights**

transfer disturbance from one preserved farm to another under the same ownership?