STATE AGRICULTURE DEVELOPMENT COMMITTEE

POLICY

SOIL AND WATER CONSERVATION PROJECT COST-SHARING PROGRAM
STATE COST-SHARE FUNDING AND APPLICATION PRIORITIZATION

I. PURPOSE

In order to respond to limited funding availability and substantial program demand, the State Agriculture Development Committee (SADC) has determined the percentage of state cost-share funding provided for soil and water conservation projects approved pursuant to the Soil and Water Conservation Cost-Sharing Program to be no greater than 50% of the cost of installing these projects. Further, given the competition for funds, it is necessary to clarify how Soil and Water Conservation Cost-Sharing Program applications are prioritized for funding by the SADC.

II. AUTHORITY

N.J.S.A. 4:1C-24
N.J.S.A. 4:1C-36
N.J.A.C. 2:76-3.1 et seq.
N.J.A.C. 2:76-4.1 et seq.
N.J.A.C. 2:76-5.1 et seq.
N.J.A.C. 2:76-6.15
N.J.A.C. 2:76-6.17
N.J.A.C. 2:76-6.19
N.J.A.C. 2:76-6.20
N.J.A.C. 2:76-12.1 et seq.
N.J.A.C. 2:76-17.1 et seq.
N.J.A.C. 2:76-17A.1 et seq.
N.J.A.C. 2:77-1.1 et seq.
N.J.A.C. 2:90-2.1 et seq.
N.J.A.C. 2:90-3.1 et seq.
N.J.A.C. 7:50-5.41 et seq.
N.J.A.C. 7:70-4.1 et seq.

III. POLICY

1. At the current time, the SADC shall provide cost-share grants not to exceed 50% of the actual cost for a soil and water conservation project approved by the New Jersey Department of Agriculture State Soil Conservation Committee and the SADC pursuant to N.J.S.A. 4:1C-24, N.J.A.C. 2:76-5.1 et seq., N.J.A.C. 2:90-2.1 et seq., and N.J.A.C. 2:90-3.1 et seq. and subject to available funds.

2. The SADC shall prioritize applications for soil and water conservation projects for the receipt of limited funding by granting priority as follows:
a. **First priority (Priority 1)** shall be given to farms that are permanently preserved through enrollment in one of the following programs:

1. The SADC’s development easement programs (SADC fee simple, county easement purchase, direct easement purchase, county and municipal planning incentive grants, or nonprofit program);


3. Agricultural land subject to an agricultural restriction approved by the SADC as part of a municipal cluster development pursuant to N.J.S.A. 40:55D-39.1. If not approved in accordance with N.J.S.A. 40:55D-39.1, the premises is enrolled for a minimum period of 16 years in the term farmland preservation programs (N.J.A.C. 2:76-3.1 et seq. and N.J.A.C. 2:76-4.1 et seq.) with deed restrictions imposed on the premises that are consistent with the restrictions at N.J.A.C. 2:76-6.15 and approved by the SADC;

4. Agricultural land acquired by a county for farmland preservation purposes under the Local Lands and Buildings Law pursuant to N.J.A.C. 40A:12-4 that is subsequently approved by the SADC for enrollment in a development easement program pursuant to N.J.S.A. 4:1C-11 et seq. and N.J.A.C. 2:76-6.19. If not approved in accordance with N.J.S.A. 4:1C-11 et seq. and N.J.A.C. 2:76-6.19, the premises is enrolled for a minimum period of 16 years in the term farmland preservation programs (N.J.A.C. 2:76-3.1 et seq. and N.J.A.C. 2:76-4.1 et seq.) with deed restrictions imposed on the premises that are consistent with the restrictions at N.J.A.C. 2:76-6.15 and approved by the SADC;

5. The term farmland preservation programs (N.J.A.C. 2:76-3.1 et seq. and N.J.A.C. 2:76-4.1 et seq.), if the subject premises is enrolled for a minimum period of 16 years and when Pinelands Development Credits (PDC) allocated to the premises have been severed and deed restrictions approved by the SADC have been recorded pursuant to N.J.S.A. 4:1C-36 and N.J.A.C. 7:50-5.41 et seq.;

6. The term farmland preservation programs (N.J.A.C. 2:76-3.1 et seq. and N.J.A.C. 2:76-4.1 et seq.), if the subject premises is enrolled for a minimum period of 16 years and when Highlands Development Credits (HDC) allocated to the premises have been severed and deed restrictions approved by the SADC have been recorded pursuant to N.J.S.A. 4:1C-36 and N.J.A.C. 7:70-4.1 et seq.;

7. The term farmland preservation programs (N.J.A.C. 2:76-3.1 et seq. and N.J.A.C. 2:76-4.1 et seq.), if the subject premises is enrolled for a minimum period of 16 years and a development easement was acquired by a nonprofit with deed restrictions imposed on the premises that are consistent with the restrictions at N.J.A.C. 2:76-6.15 and approved by...
b. **Second priority (Priority 2)** shall be given to farms that are enrolled in the term farmland preservation programs (N.J.A.C. 2:76-3.1 et seq. and N.J.A.C. 2:76-4.1 et seq.), if enrolled for a period of 16 years pursuant to N.J.S.A 4:1C-24.

c. **Third priority (Priority 3)** shall be given to farms that are enrolled in the term farmland preservation programs (N.J.A.C. 2:76-3.1 et seq. and N.J.A.C. 2:76-4.1 et seq.), if enrolled for a period of 8 years pursuant to N.J.S.A 4:1C-24.

3. Enrollment in the programs listed in 2a., 2b., and 2c. above shall be deemed valid and complete upon the following:

a. For the SADC fee simple program, the SADC has acquired fee simple title;

b. For the county easement purchase, county and municipal planning incentive grants, or nonprofit program, the SADC has issued a grant and the deed of easement, or the cost-sharing grant agreement has been recorded;

c. For the direct easement purchase program, the SADC has acquired and recorded a deed of easement;

d. For the TDR, programs, the SADC has approved the instrument of transfer pursuant to N.J.A.C. 2:77-1.1 et seq. and the instrument of transfer has been recorded;

e. For cluster development, the SADC has prepared or approved an agricultural restriction template for use by a municipality pursuant to N.J.S.A. 40:55D-39.1 and the agricultural restriction has been recorded;

f. For independent county easement purchases subsequently enrolled in a development easement program pursuant to N.J.S.A. 4:1C-11 et seq., the SADC has reviewed and approved the enrollment application and executed and recorded an Enrollment Agreement pursuant to N.J.A.C. 2:76-6.19;

g. For the term farmland preservation programs, all requirements for the creation of a farmland preservation program or a municipally approved farmland preservation program pursuant to N.J.A.C. 2:76-3.1 et seq. and N.J.A.C. 2:76-4.1 et seq. have been met, including approval of the petition by the local board, certification of the petition by the SADC, and recording of an agreement.

4. Where the premises is subject to both a term agreement and a permanent easement and there are conflicting terms, the stricter terms will prevail. Notwithstanding the prior sentence, the SADC’s first right and option to purchase the premises in fee simple absolute pursuant to N.J.S.A. 2:76-3.12(a)(17) will not be exercised when a premises is encumbered by any of the permanent easements referenced in this policy. The requirement for the Grantor to provide written notice to the SADC that a contract of fee simple sale has been executed for the premises pursuant to N.J.S.A. 2:76-3.12(a)(17) shall remain in effect.
Within the Priority 1, Priority 2, and Priority 3 categories, individual project applications may be further prioritized should program demand be greater than available funding. In such cases, the SADC shall further prioritize projects according to the following operative dates:

a. Date of State Soil Conservation Committee (SSCC) approval;
b. Date SSCC received the application;
c. Date of local Soil Conservation District (SCD) approval; and
d. Date of local United States Department of Agriculture, Natural Resources Conservation Service approval.

For farms enrolled in the term farmland preservation programs (N.J.A.C. 2:76-3.1 et seq. and N.J.A.C. 2:76-4.1 et seq.), for a period of 8 years pursuant to N.J.S.A 4:1C-24 prior to the effective date of this policy, a Priority 2 designation will be grandfathered until the next renewal or reformation date after the effective date of this policy, at which time the farm will receive a Priority 3 designation unless enrolled for a period of 16 years pursuant to III.2.b. of this policy.