

LAND DEVELOPMENT AND PROCEDURES

163 Attachment 7

Borough of Chester

Appendix D

NJDA Highlands Agricultural Regulations

Provided herein for reference, pertinent provisions of N.J.A.C. 2:92, "Agricultural Development in the Highlands," regarding the development and implementation of Farm Conservation Plans and Resource Management System Plans.

§ 2:92-3.1 Farm Conservation Plan requirements

(a) Agricultural or horticultural development that results, individually or cumulatively, in at least 3% but less than 9% increase in new agricultural impervious cover to the total land area of the Farm Management Unit since enactment of the Highlands Act (August 10, 2004) requires the development and implementation of a Farm Conservation Plan approved in accordance with this section.

1. Prior to any development activity, the owner or operator of a farm management unit or his agent shall develop a farm conservation plan with the assistance of the NRCS, TSP or an appropriate agent in conformance with Sections III and IV of the June 1, 2005 NRCS NJ-FOTG, as amended and supplemented, which is hereby adopted and incorporated by reference.

i. Copies of the NJ-FOTG are available from the NRCS Field Offices and the State Office at 220 Davidson Ave, 4th Floor, Somerset, NJ 08873.

ii. An electronic copy of the NJ-FOTG is available at <http://www.nrcs.usda.gov/technical/efotg/>.

iii. A copy of this document is on file in the NJDA office of the Director, Division of Agricultural and Natural Resources, P.O. Box 330, Trenton, NJ 08625.

2. The following shall be contained in the Farm Conservation Plan submitted for approval:

i. The name, address, block(s) and lot(s) of the operation and the name and telephone number of the emergency contact;

ii. The owner or operator's name, signature and date;

iii. A soil map;

iv. An aerial photograph or diagram of the field;

v. Identification of soil, water and animal resources, specifically, threatened and endangered species;

CHESTER CODE

- vi. A list of conservation practices to be implemented;
 - vii. The location and schedule for applying new practices;
 - viii. Records of plan implementation activities;
 - ix. A plan for operation and maintenance; and
 - x. Any other site-specific information necessary for plan certification.
3. The Farm Conservation Plan shall be reviewed, and if appropriate, approved by the local Soil Conservation District. Plans developed in consultation with entities other than the NRCS or TSP must be reviewed by NRCS for approval prior to submission to the local Soil Conservation District for review.
4. The local Soil Conservation District shall transmit a copy of the approved plan to the State Soil Conservation Committee. If any part of the Farm Management Unit is preserved under any farmland preservation program, the local Soil Conservation District shall also transmit a copy of the plan to the State Agriculture Development Committee.
5. The local Soil Conservation District shall approve the Farm Conservation Plan if it finds that the plan meets the NJ-FOTG Quality Criteria (Section III) and Practice Standards (Section IV) for soil, water and animal resource concerns, specifically threatened and endangered species.
6. The Farm Conservation Plan shall be executed in accordance with the implementation schedule contained in the approved plan.
7. Anyone aggrieved by a decision of the Soil Conservation District shall have an opportunity to appeal in accordance with 2:90-1.6.
8. Anyone who is aggrieved by the determination made in accordance with (a)7 above shall, upon written request transmitted to the Department within 20 days of that determination, be afforded the opportunity for a hearing thereon in the manner provided for contested cases pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and the Uniform Administrative Procedure Rules, 1:1.
- i. Requests for hearings shall be sent to the Director, Division of Agriculture and Natural Resources, N.J. Department of Agriculture, PO Box 330, Trenton, New Jersey 08625-0330.

§ 2:92-4.1 Resource Management System Plan requirements

- (a) Agricultural or horticultural development that results, individually or cumulatively, in at least 9% or more of new agricultural impervious cover to the total land area of the Farm Management Unit since enactment of the Highlands Act (August 10, 2004) requires the development and implementation of a Resource Management System Plan in accordance with this section.

LAND DEVELOPMENT AND PROCEDURES

1. Prior to any development activity, the owner or operator of a farm management unit or his agent shall develop a Resource Management System Plan with the assistance of the NRCS, TSP or appropriate agent in conformance with the June 1, 2005 NRCS NJ-FOTG, as amended and supplemented, which is hereby adopted and incorporated by reference.
 - i. Copies of the NJ-FOTG are available from the NRCS Field Offices and the State Office at 220 Davidson Ave, 4th Floor, Somerset, NJ 08873.
 - ii. An electronic copy of the NJ-FOTG is available at <http://www.nrcs.usda.gov/technical/efotg/>.
 - iii. A copy of this document is on file in the NJDA office of the Director, Division of Agricultural and Natural Resources, P.O. Box 330, Trenton, NJ 08625.
2. The following shall be contained in the RMS plan submitted for approval:
 - i. The name, address, block(s) and lot(s) of the operation and the name and telephone number of the emergency contact;
 - ii. The owner or operator's name, signature and date;
 - iii. A soil map;
 - iv. An aerial photograph or diagram of the field;
 - v. Identification of soil, water, air, plant and animal resources including endangered and threatened species;
 - vi. A list of conservation practices to be implemented;
 - vii. The location and schedule for applying new practices;
 - viii. Records of plan implementation activities;
 - ix. A plan for operation and maintenance; and
 - x. Any other site-specific information necessary for plan certification.
3. Upon receipt and prior to approval, the local Soil Conservation District will transmit a copy of the Resource Management System Plan to the DEP, who must review and approve it with or without conditions or deny it within 60 days of receipt.
4. The Resource Management System Plan shall be reviewed, and if appropriate, approved by the local Soil Conservation District. Plans developed by entities other than the NRCS or TSP must be reviewed by NRCS for approval prior to submission to the local Soil Conservation District for review.

CHESTER CODE

5. The local Soil Conservation District shall transmit a copy of the approved plan to the State Soil Conservation Committee. If any part of the Farm Management Unit is preserved under any farmland preservation program, the local Soil Conservation District shall also transmit a copy of the plan to the State Agriculture Development Committee.
6. The local Soil Conservation District shall approve the RMS plan if it finds that it meets the NJFOTG Quality Criteria and Standards for soil, water, air, plants and animal resources.
7. The Resource Management System Plan shall be executed in accordance with the implementation schedule contained in the approved plan.
8. Anyone aggrieved by a decision of the local Soil Conservation District shall have an opportunity to appeal in accordance with 2:90-1.6.
9. Anyone who is aggrieved by the determination made in accordance with (a)8 above shall, upon written request transmitted to the Department within 20 days of the determination, be afforded the opportunity for a hearing thereon in the manner provided for contested cases pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and the Uniform Administrative Procedure Rules, 1:1.
 - i. Requests for hearings shall be sent to Director, Division of Agriculture and Natural Resources, N.J. Department of Agriculture, PO Box 330, Trenton, New Jersey 08362-0330.