

CHAPTER 8: AGRICULTURAL INDUSTRY SUSTAINABILITY, RETENTION AND PROMOTION



Existing Agricultural Industry Support

Right to Farm

To ensure farmers have the ability to continue accepted agricultural operations, the Right to Farm Act (RFA) was enacted by the State Legislature in 1983 and amended in 1998. The Act provides “protection of commercial farm operations from nuisance action, where recognized methods and techniques of agricultural production are applied, while, at the same time, acknowledging the need to provide a proper balance among the varied and conflicting interests of all lawful activities in New Jersey.” (*SADC Right to Farm Program*)¹ Another critical piece of legislation to support agriculture was the 1983 Agriculture Retention and Development Act. This Act created the State Agriculture Development Committee (SADC), and eighteen County Agriculture Development Boards (CADB’s). Both the SADC and CADB implement the RFA on the State and local levels. (*New Jersey’s Great Northwest Skylands*)²

The SADC works to maximize protections for commercial farmers under the RFA by developing agricultural management practices, tracking right to farm cases, offering a conflict resolution process, and reviewing rules proposed by other state agencies for the impact they may have on agriculture. In order to qualify for Right to Farm protection, a farm must meet the definition of a “commercial farm” as detailed in the RFA, and operate in conformance with federal and state law, comply with agricultural management practices recommended by the SADC or site specific agricultural management practices, not be a direct threat to public health and safety, and be located in an area where agriculture was a permitted use under municipal zoning ordinances as of December 31, 1997, or thereafter; or must have been an operating farm as of December 31, 1997. (*Eligibility Criteria for RTF Act Protection*)³

All right to farm complaints or issues that are brought before the Sussex CADB are first researched and then differences between the parties are attempted to be resolved amicably. Mediation can be informal or, if the parties agree, the SADC will provide a formal mediation or conflict resolution at no cost to the participants through its Agricultural Mediation Program. If a formal complaint is filed with the Sussex CADB, it is sent to the SADC for a determination as to whether the farm falls within the parameters established by

the RFA for Right to Farm protection. Once the complaint is returned to the Sussex CADB from the SADC, additional fact finding and technical review occurs and the issue is given a public, quasi-judicial hearing at the county level. After all information has been considered, the Sussex CADB will make a determination as to whether the agricultural activity is protected by the RFA or whether changes to the operation will be required. If the issue is not resolved by the Sussex CADB determination, either party in the dispute may take the matter for a subsequent appeal and determination to the New Jersey Office of Administrative Law. (*Resolving Agricultural-Related Conflicts*)⁴

Municipalities can and should limit the number of Right to Farm complaints and encourage farming as an industry by:

- Adopting comprehensive Right to Farm Ordinances as outlined by the SADC.
- Making agriculture a permitted use in all appropriate zones.
- Requiring notification of homeowners purchasing a home in a new subdivision where active agriculture occurs on adjacent property.

The following table lists municipalities within Sussex County that have Right to Farm Ordinances, along with summary information on the Ordinance. Thirteen of the 24 municipalities in Sussex County have established a Right to Farm Ordinance. The model ordinance, as developed by the State Agriculture Development Committee, is included in the *Appendices. (Model)*⁵

Right to Farm Ordinances are a necessary item if a municipality, or property owner, wishes to enter into the Farmland Preservation Program. Therefore, all municipalities within Sussex County with commercial farms are encouraged to adopt a Right to Farm Ordinance, and to update their existing ordinances to be consistent with the SADC model ordinance.

Municipal Right to Farm Ordinances

<i>Municipality</i>	<i>Code#</i>	<i>RTFO</i>
Andover Township	190-29	The right to farm is recognized as a natural right and a permitted use on all parcels defined as a farm in the Andover Township Zoning Ordinance. 10 agricultural activities are identified as covered by this right to farm protection including priority water use, second only to human consumption. Farming operations may be conducted on holidays, Sundays and weekdays, in the evening and during the day. Right to farm excludes intensive hog operations, or extensive animal feedlot operations.
Frankford Township	99-1	7 activities are given right to farm protection if in conformance with the agricultural management practices recommended by the SADC. This ordinance acknowledges the need to “provide a proper balance among the varied and sometimes conflicting interests of all lawful activities...”.

<i>Municipality</i>	<i>Code#</i>	<i>RTFO</i>
Franklin Borough	161-37 to 161-39	Seven agricultural activities are recognized so long as the operation conforms to agricultural management practices recommended by SADC. These include on-site distribution of organic agricultural wastes, production of agricultural and horticultural groups, trees, etc., processing and packaging of agricultural output of the commercial farm, operation of farm stands and markets, and the control of pests and predators. The ordinance also presumes that approved agriculture operations shall not constitute a public or private nuisance.
Fredon Township	2004-01	The ordinance seeks "... the continuation and expansion of commercial and home-based agricultural pursuits ...". 14 agricultural activities are identified as covered by this right to farm protection including use of irrigation pumps and equipment, on-site distribution of organic agricultural wastes, use of public roadways for transportation of slow-moving farm vehicles, and grazing of animals. Farming operations may be conducted on holidays, Sundays and weekdays, in the evening, and during the day. Buyers in new subdivisions must be notified of any adjacent agricultural activities.
Green Township	5-97	The right to farm is recognized as a natural right and a permitted use on all parcels defined as a farm in the Green Township Zoning Ordinance. These rights include use of irrigation pumps and equipment, on-site distribution of organic agricultural wastes, and grazing of animals. The right to conduct agricultural operations on Sundays and holidays, or in the evening, is also included.
Hampton Township	107-1 to 107-4	7 agricultural activities are recognized as a "natural right", including use of irrigation pumps and equipment, on-site distribution of organic agricultural wastes, and grazing of animals. The right to conduct agricultural operations on Sundays and holidays, or in the evening, is also included.
Hardyston Township	97-6	8 agricultural activities are recognized as a "natural right", including use of irrigation pumps and equipment, on-site distribution of organic agricultural wastes, and grazing of animals. The right to conduct agricultural operations on Sundays and holidays, or in the evening, is also included.
Lafayette Township	8-6-96	8 agricultural activities are recognized as a "natural right", including use of irrigation pumps and equipment, on-site distribution of organic agricultural wastes, and grazing of animals. The right to conduct agricultural operations on Sundays and holidays, or in the evening, is also included.

<i>Municipality</i>	<i>Code#</i>	<i>RTFO</i>
Montague Township	14-1	8 agricultural activities are recognized. These include use of irrigation pumps and equipment, on-site distribution of organic agricultural wastes, farm markets and “u-pick” farms, and grazing of animals. The right to conduct agricultural operations on Sundays and holidays, or in the evening, is also included.
Sandyston Township	02-01	8 agricultural activities are recognized as a “natural right”, including use of irrigation pumps and equipment, on-site distribution of organic agricultural wastes, and grazing of animals. The right to conduct agricultural operations on Sundays and holidays, or in the evening, is also included.
Stillwater Township	179-1 to 179-6	The ordinance seeks “... the continuation and expansion of commercial and home-based agricultural pursuits ...” 12 agricultural activities are identified as covered by this right to farm protection including use of irrigation pumps and equipment, on-site distribution of organic agricultural wastes, and use of public roadways for transportation of slow moving farm vehicles. Farming operations may be conducted “... at any time and all times when necessary”. Buyers in new subdivisions must be notified of any adjacent agricultural activities.
Vernon Township	240-1 to 240-3	8 agricultural activities are recognized as a “natural right”, including use of irrigation pumps and equipment, on-site distribution of organic agricultural wastes, and grazing of animals. The right to conduct agricultural operations on Sundays and holidays, or in the evening, is also included.
Wantage Township	13-13.19	8 agricultural activities are recognized as a “natural right”, including use of irrigation pumps and equipment, on-site distribution of organic agricultural wastes, and grazing of animals. The right to conduct agricultural operations on Sundays and holidays, or in the evening, is also included.

Farmland Assessment

The Farmland Assessment program is a tax incentive which reduces property taxes on active commercial farmed land, thereby assisting farmers with a critical financial aspect in helping to keep land in farms. This tax incentive is made possible by the Farmland Assessment Act of 1964, N.J.S.A. 54:4-23.1 et seq.

Basic eligibility requirements include:

- The applicant must own the land;
- The property owner must apply annually for Farmland Assessment on or before August 1 of the year immediately preceding the tax year;

- Land must be devoted to agricultural and/or horticultural uses for at least two years prior to the tax year;
 - Land must consist of at least five contiguous farmed and/or woodland management plan acres. Land under or adjoining a farmhouse is not counted towards the minimum five acres;
 - Gross sales of products from the land must average at least \$500 per year for the first five acres, plus an average of \$5 per acre for each acre over five. In the case of woodland or wetland, the income requirement is \$.50 per acre for any acreage over five. Dependent on the agricultural or horticultural products being produced, the farmer can also offer clear evidence of anticipated yearly gross sales, payments, or fees within a reasonable period of time; and,
 - The property owner must represent that the land will continue in agricultural or horticultural use to the end of the tax year.
- (NJDA Informational Guide)⁶*

The Farmland Assessment program does not, however, apply to farm structures, such as barns and storage facilities. It has been proposed that additional tax incentives which encourage farmers to maintain their buildings in good working order as part of active farm operations, and which do not financially penalize them for renovating, or replacing, old or unsafe structures, are necessary. Maintained buildings are not only critical to the farmer but also add to farm “aesthetics” for the larger community, helping to support Agritourism, a pillar of agricultural sustainability in Sussex County.

Sussex County is 535 square miles, and contains 333,603 acres of land area (total does not include 8,719 acres of water, and 867 acres of unconsolidated shore). Of this land area 105,365 acres, or 31.6 % of the county, are under farmland assessment. General trends indicate:

- A downward trend in overall farmland assessed acreage;
- Harvested cropland accounted for 36,706 acres in 1983 and, except for a slight increase from 2003 to 2004, has steadily decreased to 30,360 acres in 2004;
- Pastured cropland is also down, from 10,055 acres in 1983 to 5,894 acres in 2004. Between 2000 and 2003 pastured cropland acreage increased, before again declining in 2004 to the 5,894 acre figure;
- Permanent pasture acreage also decreased in the 1983 to 2004 time period, from 22,130 acres to 15,324 acres. There was a slight acreage increase in 2002 for permanent pasture acreage, before again declining in 2003 and 2004;
- Equine acreage has actually increased since it was first measured in 2000, from 369 acres to 461 acres in 2004. However, the 2004 figure is down slightly from the 2003 figure of 488 acres. The 461 acres includes all equine uses (boarding, rehabilitating, training, and general use);
- The total county acreage (for active agricultural use, woodlands and equine) in farmland assessment mirrors these downward trends. In 1983 there were 120, 847 acres, while in 2004 there were only 105,365 acres, a nearly 13% reduction of farmland assessed acreage.

(Sussex County Agricultural Profile)⁷

It is important to sustain and expand tax incentives such as farmland assessment to keep land in farms, and to encourage the development or extension of other tax incentives for the agricultural industry. By making agriculture more profitable and viable, tax incentives will help ensure a steady, permanent source of agricultural lands for the County's farmland preservation efforts.

Additional Strategies to Sustain, Retain and Promote Agriculture in Sussex County

Regulatory Flexibility

Municipalities play a key role in the preservation of farming as an industry. In municipalities with a sizable acreage of assessed farmland, zoning powers can be utilized to require buffers between agriculture and other uses to minimize conflict. The Right to Farm Ordinances are an active example of municipalities' support for agriculture. Such actions create an atmosphere favorable to agriculture, its economics and profitability.

The viability of farming in New Jersey is affected by many issues, including government regulation, development pressures and the economics of the marketplace. While land preservation is vital for maintaining a sufficient land base suitable for farming, sustaining Sussex County's strong agricultural base requires support on many fronts, one of which is flexibility in government regulation. (*Agricultural Smart Growth Plan 2006*)⁸ It is essential that the Sussex CADB, Division of Planning, Board of Agriculture, County Freeholders, Soil Conservation District, Natural Resource Conservation Service, Rutgers Cooperative Extension of Sussex County, municipal planning and zoning boards, chambers of commerce, private farm preservation groups, and other interested entities and individuals, work together to present a united front in issues regarding government regulation and permits as they relate to agriculture. The 2006 *Agricultural Smart Growth Plan* for New Jersey identified the following as important relative to regulatory flexibility and priority, and which the aforementioned entities must work to ensure proper advantage for agriculture in Sussex County:

- *Positive and supportive public policy*: This includes legal protection (right to farm), priority in decisions on taxation (farmland assessment), regulation exemptions, and financial incentives (planning incentive grants). These need to be strengthened and modified if, and when, necessary;
- *Exemptions*: State, county, and municipal regulations must be responsive to the needs of farmers. Minor changes to, or exemptions from, certain local and state regulations, rules, and ordinances help to buffer agricultural operations from burdensome costs, creating a farmer-friendly environment. Pertinent examples are the strong Right to Farm Ordinances in thirteen of the twenty four municipalities within the county. At a state level, the Department of Environmental Protection's "Freshwater Wetlands Protection Act Rules" (N.J.A.C. 7:7A-et. seq.) and the "Flood Hazard Area Control Act Rules" (N.J.A.C. 7:13) grant exemptions, permits by rule, or general permits for agricultural activities. In addition, for the

- Department of Environmental Protection's "Highlands Water Protection and Planning Act Rules" (N.J.A.C. 7:38), exemptions are allowed for activities conducted in accordance with an approved Woodland Management Plan issued pursuant to the Farmland Assessment Act. The Sussex County agriculture community must work to ensure that exemptions are adequate and reasonable;
- *Flexibility*: State agencies such as the Department of Environmental Protection, Department of Transportation, Department of Community Affairs, Department of Labor, and New Jersey Commerce Commission, should consider the NJDA Agricultural Smart Growth Plan when making important decisions regarding existing and proposed infrastructure, developing and amending regulations and programs, and protecting environmental and historical resources. These agencies should coordinate with NJDA to ensure that regulations, programs, etc. are attuned to the needs of Sussex County farmers; and,
 - *Agriculture-Friendly Zoning*: This refers to a comprehensive land use practice that coordinates zoning and land use policy in a proactive way. The desired result is that it encourages agribusiness, while at the same time reducing the incidence of farmer-homeowner nuisance issues. In other words, it seeks to harmonize potentially conflicting land use policies. This strategy would be done mostly at the local and county levels.
(*Agricultural Smart Growth Plan 2006*)

Farm Labor

An adequate labor supply is integral to harvesting vegetables, fruits, and berries. Measured in farmed acreage, Sussex County has a relatively small industry for these products compared with field crops such as corn and hay, and also dairy, goat, sheep, and nursery products. Harvesting of these farm products is more mechanized, and/or not as labor intensive as produce, with most work being done by farm family members. (*Kent Hardmeyer*)⁹ Fruits, berries, and vegetables occupy approximately 95% less land in Sussex County than field crops and nursery products. As of 2004, 1,509 acres were devoted to fruit, berries, and vegetables, while 29,226 acres were devoted to field crops and nursery products. (*Sussex County Agricultural Profile*) Farm laborers in Sussex County generally live at the farms where they work. (*Kent Hardmeyer*) Therefore, housing and other issues concerning farm labor are, for the most part, not of high concern for Sussex County farmers.

The U.S. Census of Agriculture reports that in 1992 hired farm labor costs in New Jersey were \$115.2 million, which rose to \$142.9 million in 1997, representing 26.7% and 27.8% of total farm production costs respectively, an increase of 1.1%. In Sussex County hired farm labor costs for 1992 were \$2.1 million, decreasing to \$1.8 million in 1997, representing 12.5% and 11.2% of total farm production costs respectively, a decrease of 1.3% (more recent county figures are not available). (*U.S. Census of Agriculture*)¹⁰ This lowering of farm labor costs in Sussex County is, at least partially, likely the result of the trend from 1983 to 2004 of a larger percentage decrease in vegetable acreage (36%), as compared to a 14% decrease in field crops. (*Sussex County Agricultural Profile*) Rising

farm labor costs in Sussex County are not currently impacting agriculture sustainability. However, as this trend may change over time, a brief discussion of the topic is warranted.

Hired farm workers continue to be one of the most economically disadvantaged groups in the United States due to low wages, seasonal employment, and limited participation in the non-farm labor market. Therefore, as an important statewide resource to the agricultural industry, the New Jersey Department of Labor recommends that more must be done to ensure a well-trained, educated farm labor workforce that has adequate living and working conditions, and is trained in worker safety. (*Agricultural Smart Growth Plan 2006*)

The New Jersey Department of Labor recommends the following:

- Work with the U.S. Department of Agriculture’s Rural Development program to reexamine program criteria to enable New Jersey’s rural communities to qualify for more programs. The current focus of the program, such as rural area infrastructure, is not applicable to Sussex County (and New Jersey).
 - Link neighborhood revitalization efforts with housing opportunities for farm workers and, where appropriate, establish on-site housing, to ensure a safe and stable workforce.
 - Develop and promote comprehensive and ongoing training opportunities for farm workers.
 - Work with the New Jersey Department of Labor, Rutgers Cooperative Extension and others to provide farm safety training.
 - Join other agricultural stakeholders in supporting ongoing efforts at the federal level to streamline and modernize the immigration process.
- (*Agricultural Smart Growth Plan 2006*)

In January 2006, the Agriculture Transition Policy Group, composed of government and agriculture industry representatives, submitted a report to then Governor-elect Jon Corzine, with recommendations to keep agriculture strong and viable in the Garden State. The Group reported many serious problems facing New Jersey farm employers. Two of these are the impacts of the new State minimum wage (now \$7.15 per hour), and the ever-looming issue before the U.S. Congress regarding immigration and undocumented workers. The Group reports that the sponsor of the minimum wage legislation (name not provided) has promised to “re-visit the issue for agriculture to find some off-sets that will protect farm viability and keep the industry at a competitive level.” (*Report of the Agriculture Transition Policy Group*)¹¹

The New Jersey Department of Agriculture has specified the identification and posting of new markets as a specific strategy in its 2007 Economic Development Strategies report. This effort is a necessary outgrowth of the report’s finding that due to the State’s high labor rates (in addition to high land values and property taxes) production costs in New Jersey are higher than in most other areas. With commodity prices based on national production costs, yields and demand, it is less profitable to produce commodity items in New Jersey than elsewhere. (*Economic Development Strategies*)¹²

Finally, agriculture labor education and training funding may be available through the New Jersey Department of Labor and Workforce Development Programs. These programs can help to assist in upgrading the skills and productivity of the agricultural workforce. (*Training*)¹³ Some of the programs which may be applicable include Customized Training Initiative, Basic Skills Program, and Occupational Safety and Health Training Program.

Agriculture Labor Training and Farmer Education

To sustain a modern, diverse, and stable food and agricultural industry, education and progressive, ongoing training for workers will promote a more efficient and productive business environment. This includes programs covering “farmer risk management education, labor education including worker safety, agricultural leadership training, secondary school and college agricultural education.” (*Agricultural Smart Growth Plan 2006*)

One educational link for Sussex County agricultural land owners and operators is to collaborate with the Rutgers Cooperative Extension (RCE) of Sussex County. The RCE of Sussex County assists with traditional forms of agriculture (hay and corn, for example), as well as niche markets and new markets. RCE lends assistance to all farm sizes. During the growing season, RCE of Sussex County provides one on one, on-site consultations with farmers to assist with control of insect infestations, weed control in pastures, and plant diseases for fruits, vegetables, greenhouse, nurseries and ornamentals. Assistance is also provided for field crops, and similar farm animal consultation is provided on a year round basis. One example is the “goat project”, which advises particular farmers on the production and marketing of meat goats. During these one on one consultations, technical scientific research is relayed to the farmer in a useful and applicable manner. Additional topics that RCE of Sussex County assists with are marketing of farm products, and advising on value-added agriculture products. (*Steve Komar*)¹⁴

In the winter months, regional and local classes are conducted by the RCE on a diverse set of agriculture topics. Two of special significance are conducted with the North Jersey Vegetable and Fruit Growers Association. A class on vegetable growing is conducted at the Snyder Farm in Pittstown, Hunterdon County, while a similar class on fruit growing is held at the Warren Grange in Franklin Township, Warren County. The RCE of Warren County provides vegetable referral services for Sussex County farmers, and in this way information from the aforementioned classes is utilized on Sussex County farms.

Finally, the RCE of Sussex County performs applied research on area farms to further knowledge on a wide range of issues pertaining to agricultural plants, animals and commercial horticulture. Results of any research are used to advise local farmers on an as needed basis. (*Steve Komar*) All of the aforementioned programs and assistance offer an individual farm operator the opportunity to gain the latest information on numerous and pertinent agriculture topics, which are important to agricultural sustainability.

Discussions with Sussex County Community College indicate that at present agriculture education courses are not offered at the College. However, the College would be willing to

explore the possibility of setting up college level or continuing education course(s) if requested to do so by the Sussex County Agriculture Development Board, Sussex County Board of Agriculture, Sussex Chapter of the N.J. Farm Bureau, or the wider agriculture community. If such a request was made, the College would perform an analysis to determine the necessary resources to begin a class, and also to gauge if there is enough interest and prospective students to sustain a class. Any college level class would need to be fully transferable to a four year college institution. (*Anthony Balzano*)¹⁵ The Sussex County Agriculture Development Board can inquire, and also coordinate, with CADB's from neighboring counties on the interest level for agricultural college and continuing education courses. It is noteworthy that in the last several years the College has presented several panel discussions, including farmland preservation, agricultural grants, and the bear hunt.

Through its Division of Agriculture and Natural Resources, Natural Resource Conservation Program, the New Jersey Department of Agriculture offers technical, financial and regulatory assistance, and provides educational outreach to landowners throughout the State. The Department also offers, in conjunction with the U.S. Department of Agriculture, farm risk management and crop insurance education programs to assist farmers in understanding what assistance is available to reduce agricultural risks. (*Agricultural Smart Growth Plan 2006*)

Finally, as a form of "education", government agencies at the Federal, State and County levels can provide continuous outreach information to farmers, to ensure they take full advantage of all federal and state loan, grant, education, and technical assistance programs. This is especially important, since these programs are meant to aid the farming business to thrive and survive. Due to the complexity and vast array of the programs, they may be unknown to many farmers.

Youth Farmer Education Programs

Due to the aging farmer population in Sussex County (average age was 49.2 years in 1982, as compared to 55.3 years in 2002), (*Sussex County Agricultural Profile*) the next generation of the County's farmers need to become interested in, and exposed to, the business of agriculture and be prepared to enter the industry. Education programs in agriculture, offered as an optional and viable opportunity for the youth of Sussex County, will assist those who are interested in pursuing such careers. Students need to be ensured of new opportunities via secondary and post secondary education programs in Agriculture, Food and Natural Resources. (*Agricultural Smart Growth Plan 2006*) There are a number of ways to accomplish this.

The National Future Farmers of America (FFA) Organization "operates under a Federal Charter granted by the 81st Congress of the United States, and is an integral part of public instruction in agriculture." (*National FFA Organization*)¹⁶ The National FFA Organization was founded in 1928, and currently has 7,242 chapters and nearly 500,000 members. (*National FFA Organization*) Through the local FFA and New Jersey Department of Agriculture's Office of Agriculture, Food, and Natural Resource Education,

Sussex County offers agriculture education programs at the Sussex County Vocational Technical High School in Agricultural Business Management, and at Newton High School in Ornamental Horticulture, and Conservation and Natural Resources. (*Office of Agriculture, Food, and Natural Resource Education*)¹⁷ These same high schools also have local FFA chapters. Robin McLean is the local FFA representative and can be contacted at 1-877-243-3332 for information.

Youth agriculture education classes or programs are not offered at any elementary schools within the county, but are an opportunity to cultivate young people's interest in the field of agriculture.

The national Agriculture in the Classroom Program helps K-12 students become aware of the importance of agriculture. 4-H is an informal, practical educational program for youth, which assists young people interested in farm animals through livestock projects. The New Jersey Agricultural Society's Agriculture Leadership Program provides young professionals in agriculture with leadership development skills and opportunities. (*Agricultural Smart Growth Plan 2006*)

In addition, the New Jersey Department of Agriculture offers an "Agricultural Education" program. This is "a systematic program of instruction available to students desiring to learn about the science, business, and technology of plant and animal production and/or about the environmental and natural resources systems. A complete Agricultural Education program is composed of three components: class/lab instruction, supervised agricultural experience (SAE), and FFA, which provide a well-rounded and practical approach to student learning." (*Agricultural Education*)¹⁸

Public Outreach

Over the last 50 years, New Jersey has been transformed away from a largely rural and agricultural landscape, to a more urban and suburban landscape. However, farming remains strong and viable in many portions of the state, especially in Sussex County. If the County's remaining agricultural areas are to survive and prosper, the non-farming public needs to be aware of the continuing financial, cultural, scenic and agricultural contributions made by Sussex County.

Public outreach continues to be front and center in Sussex County through its highly successful Agritourism industry. Agritourism activities increase the recognition of the farm industry's importance to the non-agriculture resident, and should be continued and expanded whenever possible. Sussex County is the state leader in Agritourism, and should work to continue this extremely successful public outreach to the non-agriculture community (discussed in detail in *Chapter 6*).

Management of Nuisance and Crop Damaging Wildlife

Management of nuisance and crop damaging wildlife is critical to the short and long term sustainability of Sussex County's agriculture industry. Crop damage from wildlife leads to

economic loss for the farmer and/or land owner, and is an extremely serious problem in Sussex County, causing up to 90 % crop loss in certain instances. (*Donna Traylor*)¹⁹ Most damage is caused by a multitude of insects, as well as deer, bear, turkey, and other wildlife. This has been ascertained by aerial wildlife studies and bear damage surveys conducted through the Sussex County Board of Agriculture and RCE. (*Donna Traylor*) It is imperative to not only control and manage damage to crops, but also to do it in a manner which causes the least amount of collateral natural resource damage (i.e. limit pesticide use to the greatest extent possible, using natural pest control). State, County and local government units must be sensitive to the negative economic impacts caused by crop damage, and support efforts to control it through education, technical and financial assistance, and regulatory flexibility.

One key way for Sussex County farmers to control damage from deer, bear and turkey is through the harvesting of crop damaging animals. This is allowed through depredation permits, issued by the New Jersey Department of Environmental Protection's (NJDEP) Fish and Wildlife Program. (*Donna Traylor*) In many instances, this is the only short term solution to control damage of crops by what is widely considered an excessive deer population in the county. Sussex County farmers continue to work with the NJDEP and NJDA, as well as other counties and municipalities, to implement wildlife control strategies on privately and publicly owned land. (*Agricultural Smart Growth Plan 2006*)

The New Jersey Department of Agriculture's Division of Plant Industry works to safeguard New Jersey's plant resources from injurious insect and disease pests. The Division implements several programs for detection, inspection, eradication, and control of insect pests, which help to ensure that the public can enjoy high quality, pest-free agricultural products. (*Division of Plant Industry Programs*)²⁰ In addition, "the Division oversees programs that certify plant stock for interstate and international shipments, protects forested communities from tree loss caused by the gypsy moth and Asian longhorned beetle, inspects honeybees for harmful bee diseases and pests, regulates the quality of plant seeds, and produces and releases beneficial insects to reduce crop and environmental damage and decrease dependence on chemical pesticides." (*Division of Plant Industry Programs*) Protection of forest resources is important to Sussex County farmers who harvest wood as part of woodland management plans on their farmland assessed properties.

One example of the Division of Plant Industry's work is in control of the gypsy moth. The gypsy moth is considered the most destructive defoliation forest insect pest in New Jersey. The Division's Gypsy Moth Suppression Program is a voluntary cooperative program involving local governments, county and state agencies, as well as the USDA Forest Service. The Division promotes an integrated pest management approach, which "encourages natural controls to reduce gypsy moth feeding and subsequent tree loss." (*Gypsy Moth Suppression*)²¹ However, aerial spray treatments of *Bacillus thuringiensis* are utilized when gypsy moth cycles are at a peak and natural controls are not sufficient to control defoliation. (*Gypsy Moth Suppression*)

Gypsy moth infestation has been especially heavy the last several years in parts of Sussex County, requiring aerial spray treatments. In spring and summer 2007, 789 acres were

sprayed in Hampton Township, while 249 acres were sprayed in Sandyston Township. (*Gypsy Moth Suppression*)

Agriculture Vehicle Movement

As many portions of the rural New Jersey landscape become developed with residential subdivisions and shopping malls, the sometimes conflicting lifestyles of farmers and suburban residents clash. Farmers need to move heavy, slow moving agricultural equipment over local, county, and sometimes state roads to access unconnected fields. Residents also need to commute to workplaces, or drive to area destinations for shopping, town sports and social activities, at a pace much faster than the slow moving agricultural equipment. These different needs can cause conflict between farmers and suburban dwellers, while creating unsafe road conditions as residents and farmers “compete” for road space. The public needs to be educated that agriculture vehicle movement is part of the agricultural environment.

Since many farm vehicles travel over local roads, municipalities should continue to support local agricultural business’s right to do so. The SADC model Right to Farm Ordinance recognizes as a specific right the operation and transportation of large, slow moving equipment over roads. However, of the 12 Sussex municipalities with Right to Farm Ordinances, only Fredon and Stillwater specifically protect the right to transport tractors and slow moving farm equipment on local roads. All Sussex County towns should consider changing their ordinances to specifically protect the movement of farm equipment on local roads.

Signs alerting fast moving cars to the possible movement of slow moving farm equipment is an additional, effective tool to protect farmer (and automobile passenger) safety. Signage also informs the public at large that agriculture is an important, equal, and permanent fixture of Sussex County life. Local Sussex County governments may consult with farmers where signage should be posted.

If local non-agriculture residents are to enjoy the scenic vistas, fresh produce, clean air and limited traffic congestion that Sussex County’s agriculture provides, they need to be tolerant of the farming community. Local, county, and state government can advertise the contributions of the farming community via public outreach at local schools and various community activities. The annual New Jersey State Fair/Sussex County Farm and Horse Show is a prime example of advertising the importance and permanence of agriculture in Sussex County.

The federal government is an important partner in supporting Sussex County agriculture. There are several federal programs that support, or could support, the agricultural industry in Sussex County. As such a discussion of each is warranted, and follows below.

USDA Rural Development Program

Known as the Rural Development Program, the United States Department of Agriculture (USDA) has an extensive array of loans and grants to assist residents in rural areas of the country to support essential public facilities and services such as water and sewer systems, housing, health clinics, emergency service facilities, and electric and telephone service. Through the program, the USDA offers technical assistance and information to agricultural cooperatives, as well as to communities for empowerment programs. With a multi-billion dollar portfolio of loans, loan guarantees, and grants, the USDA can be an effective partner to assist with agriculture sustainability. (*Rural Development*)²²

Grants and loans are available in three key areas: Rural Business-Cooperative Service, Rural Housing Service, and Rural Utilities Service. Unfortunately, many of New Jersey's rural municipalities may not qualify for many of the program's loans and grants because most are unavailable to cities with more than 50,000 residents, or municipalities with more than 10,000 residents. While the population criteria for these programs may make sense in a large portion of the country, they do not make sense for New Jersey. (*Agricultural Smart Growth Plan 2006*)

The New Jersey Department of Agriculture, State Agriculture Development Committee, and Sussex County Agriculture Development Board, along with other relevant Sussex County agriculture entities, can work with and lobby the USDA to reexamine program criteria to enable New Jersey's rural communities to qualify for more program dollars.

Income Averaging for Farmers

The U.S. Taxpayer Relief Act of 1997, administered by the U.S. Department of Treasury's Internal Revenue Service, is meant to smooth out economic disparities that farmers experience from year to year due to the cyclical nature of agriculture. Known as Farm Income Averaging, qualified farmers can average all or part of their current year farm income over the previous three years. Substantial tax dollars can be saved by income averaging. (*United States Department of the Treasury*)²³

In the New Jersey Legislature, New Jersey Senate Bill 1425 is presently being considered by the Senate Economic Growth Committee, while Assembly Bill 1692 is being considered by the Assembly's Agriculture and Natural Resources, and Appropriations Committees. (*Ben Kurtzman*)²⁴ These bills would provide income averaging similar to the federal program described above. The New Jersey Department of Agriculture, State Agriculture Development Committee, Sussex County Freeholders, and Sussex County Agriculture Development Board can work with, and encourage, the New Jersey Legislature to adopt income averaging legislation. This would greatly assist Sussex County farmers, and farmers statewide, to remain economically viable.

USDA Farm Service Agriculture Program

Farming is a business which can be extremely cyclical and unpredictable with factors, such as weather and market conditions, out of the farmer's control. As such, farmers often need assistance to make ends meet, to stay profitable, and to stay in business. Many times federal government programs are available, and Sussex County farmers can take advantage of these loans as a tool in running their farm business.

The United States Department of Agriculture (USDA), Farm Service Agency (FSA) makes “... *guaranteed farm ownership and operating loans to (beginning farmers), family-size farmers and ranchers who cannot obtain commercial credit from a bank, Farm Credit System institution, or other lender*”, often due to financial setbacks from natural disasters, or whose resources are too limited to maintain profitable farming operations. FSA loans can be used for most agriculture necessities such as purchasing land, livestock, equipment, feed, seed, supplies, and also for construction of buildings, or to make farm improvements. (*Farm Service Agency*)²⁵

The FSA also makes "Direct" farm loans. These loans include supervision and credit counseling for farmers so they have a better chance for success. Under this program, farm ownership, operating, emergency and youth loans are the main types of loans available, but there are also minority applicant and beginning farmer loans. (*Direct Farm Loans*)²⁶ In Sussex County farm loans have been as follows:

- Fiscal year 2007 had three loans, with an average loan of \$61,000. They were used to buy dairy cows and refinance operating debt.
- Fiscal year 2006 had 5 loans, with an average loan of \$234,000. They were used to buy farms and cows, and refinance operating and real estate debt.
- Fiscal year 2005 had 2 loans, with an average loan of \$42,500. They were used to buy equipment and for operating expenses. (*Virginia Brophy*)²⁷

The FSA office for Sussex County is located at 101 Bilby Road, Suite 1H in Hackettstown, Warren County, at the same location as the NRCS office discussed in Chapter 7. The County Executive Agent is Ken Bingham, and he may be reached at (908) 852-2576, ext. 109, or at Kenneth.Bingham@nj.usda.gov. This FSA office also administers the financial aspect of the CREP program, which was discussed in *Chapter 7*.

Sussex County's Vision for Farmland Preservation

The Mission Statement of the Sussex County Agriculture Development Board:

The Sussex CADB's mission in implementing the farmland preservation program in Sussex County is to preserve both farmland and farmers. In accomplishing these goals, the Board seeks to preserve farms that are highly productive due to soil types, proximity to other preserved farms, farm size, as well as the effort and efficiency of the farmer.

Goals of the Sussex County Agriculture Development Board:

The Sussex CADB seeks to preserve all of the productive farms in the County where the farmer is interested in participating in the program and where the land is currently in agricultural production or has a strong potential for sustained agricultural production in the future. To date **12,362 acres** will remain in agricultural use in perpetuity due to the work of the Sussex CADB.

¹ New Jersey Department of Agriculture. New Jersey State Agriculture Development Committee. “Right to Farm Program.” <http://www.state.nj.us/agriculture/sadc/rfprogram.htm>. Accessed March 11, 2007.

² New Jersey’s Great Northwest Skylands, Farmland Preservation, <http://www.njskylands.com/fmpres.htm>. Accessed May 2007.

³ New Jersey Department of Agriculture, State Agriculture Development Committee, Right to Farm (RTF) Program: Eligibility Criteria for RTF Act Protection www.state.nj.us/agriculture/sadc/rfcriteria.htm Accessed March 2007.

⁴ New Jersey Department of Agriculture, State Agriculture Development Committee, Right to Farm Program: Resolving Agricultural-Related Conflicts <http://www.state.nj.us/agriculture/sadc/rfconflictres.htm>. Accessed March 2007.

⁵ New Jersey Department of Agriculture, State Agriculture Development Committee, SADC Model Right to Farm Ordinance <http://www.state.nj.us/agriculture/sadc/modelrtfordinance.pdf>. Accessed March 2007.

⁶ New Jersey Department of Agriculture, New Jersey’s Farmland Assessment Act, An Informational Guide on Basic Requirements. July 2006.

⁷ New Jersey Department of Agriculture, State Agriculture Development Committee, Sussex County Agricultural Profile. April 13, 2007.

⁸ New Jersey Department of Agriculture, Agricultural Smart Growth Plan 2006 <http://www.state.nj.us/agriculture/pdf/smartgrowthplan.pdf>. Accessed March 2007.

⁹ Personal communication with Kent Hardmeyer, United States Department of Agriculture, Natural Resources Conservation Service. May 2007.

¹⁰ United States Census of Agriculture, 1987, 1992, 1997, Ag Census. [http://agcensus.mannlib.cornell.edu/county.php?st\[\]=34&imgmap=agri_state](http://agcensus.mannlib.cornell.edu/county.php?st[]=34&imgmap=agri_state). Accessed May 2007.

¹¹ Agriculture Transition Policy Group, Final Report, January 10, 2006. <http://www.state.nj.us/governor/home/pdf/agriculture.pdf>. Accessed March 2007.

¹² New Jersey Department of Agriculture, Economic Development Strategies, January 2006. <http://www.nj.gov/agriculture/conventions/2006/06ecostrat.pdf>. Accessed March 2007.

¹³ New Jersey Department of Agriculture, Training. www.state.nj.us/agriculture/grants/training.html. Accessed April 2007.

¹⁴ Personal communication with Steve Komar, Rutgers Cooperative Extension of Sussex County, May 30, 2007.

¹⁵ Personal communication with Anthony Balzano, Professor, Sussex County Community College. June 8, 2007.

¹⁶ National FFA Organization, Agricultural Science Education. <http://www.ffa.org/>. Accessed May 2007.

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- ¹⁷ New Jersey Department of Agriculture, Office of Agriculture, Food and Natural Resource Education, 2006-2007 Directory of New Jersey Agriculture, Food & Natural Resources Education Programs and Related Organizations. <http://www.jerseyageducation.nj.gov/0607dir.pdf>. Accessed May 27, 2007.
- ¹⁸ New Jersey Department of Agriculture, Agricultural Education <http://www.jerseyageducation.nj.gov/>. Accessed April 1, 2007.
- ¹⁹ Personal communication with Donna Traylor, Agriculture Resource Specialist, County of Sussex, Division of Planning, Office of Conservation and Farmland Preservation. May 15, 2007 and/or September 4, 2007.
- ²⁰ New Jersey Department of Agriculture, Division of Plant Industry, Programs <http://www.state.nj.us/agriculture/divisions/pi/prog/>. Accessed April 1, 2007.
- ²¹ New Jersey Department of Agriculture, Division of Plant Industry, Gypsy Moth Suppression. <http://www.nj.gov/agriculture/divisions/pi/prog/gypsymoth.html>. Accessed April 1, 2007.
- ²² United States Department of Agriculture, Rural Development, About Us. www.rurdev.usda.gov/rd/index.html. Accessed April 3, 2007.
- ²³ United States Department of the Treasury, Internal Revenue Service, Farmers May Harvest Lower Taxes by Averaging Income. www.irs.gov/businesses/small/article/0,,id=123985,00.html. Accessed April 3, 2007.
- ²⁴ Personal Communication with Ben Kurtzman, American Farmland Trust, Legislative Specialist. April 4, 2007
- ²⁵ United States Department of Agriculture, Farm Service Agency, Farm Loan Programs, Background. <http://www.fsa.usda.gov/FSA/webapp?area=home&subject=fmlp&topic=landing>. Accessed April 3, 2007.
- ²⁶ United States Department of Agriculture, Farm Service Agency, Farm Loan Programs, Direct Farm Loans. <http://www.fsa.usda.gov/FSA/webapp?area=home&subject=fmlp&topic=df>. Accessed April 3, 2007.
- ²⁷ Personal Communication, Virginia Brophy, USDA, Farm Service Agency. July 31, 2007.