

"Soil conservation district" means a governmental subdivision of this State organized in accordance with the provisions of N.J.S.A. 4:24-1 et seq.

"State Soil Conservation Committee" means an agency of the State established pursuant to N.J.S.A. 4:24-1 et seq.

Amended by R.1993 d.521, effective November 1, 1993.  
See: 25 N.J.R. 3279(a), 25 N.J.R. 4899(a).

### 2:76-5.3 Approved soil and water conservation projects

The State Soil Conservation Committee, pursuant to procedures established in N.J.A.C. 2:90-2, shall approve projects that are eligible for cost-sharing.

Amended by R.1987 d.90, effective February 2, 1987.  
See: 18 N.J.R. 1981(a), 19 N.J.R. 288(a).  
Subsection (b) substantially amended.  
Amended by R.1987 d.427, effective October 19, 1987.  
See: 19 N.J.R. 1123(a), 19 N.J.R. 1892(a).

Money for soil and conservation projects dedicated raised from \$4.9 million to \$6.0 million.  
Amended by R.1989 d.213, effective April 17, 1989.  
See: 21 N.J.R. 230(a), 21 N.J.R. 981(a).  
(b)1 deleted, recodified 2 and 3 as 1 and 2, decreased \$6 million allocation for soil and water conservation as that amount exceeded demand.  
Amended by R.1993 d.521, effective November 1, 1993.  
See: 25 N.J.R. 3279(a), 25 N.J.R. 4899(a).

### 2:76-5.4 Eligibility for State soil and water conservation cost-share funds

(a) Upon certification of a farmland preservation program or a municipally approved program, the Committee shall determine the total eligible State soil and water cost-share funds based on common deed ownership in accordance with the following formula:

Acres	Eligibility for State cost-share funds
From 0 to 50 acres	= \$400.00/acre
From greater than 50 to 100 acres	= \$20,000 + \$100.00/acre above 50 acres
From greater than 100 to 516.7 acres	= \$25,000 + \$60.00/acre above 100 acres
Greater than 516.7 acres	= \$50,000

1. The total eligible amount of cost-share funds determined shall remain in effect for the duration of the initial farmland preservation program or municipally approved program.

2. Upon renewal of the farmland preservation program or municipally approved program, the eligibility of cost-share funds shall be based upon the formula current at the time of program renewal set forth in this section.

(b) On land that has had a development easement conveyed from it pursuant to N.J.S.A. 4:1C-24a, the Committee shall determine the total eligible State soil and water cost-share funds based on common deed ownership in accordance with the following formula:

Acres	Eligibility for State cost-share funds
From 0 to 50 acres	= \$400.00/acre
From greater than 50 to 100 acres	= \$20,000 + \$100.00/acre above 50 acres
From greater than 100 to 516.7 acres	= \$25,000 + \$60.00/acre above 100 acres
Greater than 516.7 acres	= \$50,000

1. The total eligible amount of cost-share funds determined shall remain in effect for a period of eight years from the date the development easement was conveyed to the board.

2. At the end of the eight-year period, the eligibility of cost-share funds shall be based upon the formula current at that time and set forth in this section for subsequent eight-year periods.

(c) Notwithstanding (a) and (b) above, if a governmental body or a not-for-profit corporation is the record owner of land enrolled in a farmland preservation program, municipally approved program or is subject to a development easement conveyed pursuant to the provisions of the Agriculture Retention and Development Act, the owner is eligible for State soil and water project cost-share funds on the basis of the acreage contained in each farm in accordance with the following formula:

Acres	Eligibility for State cost-share funds
From 0 to 50 acres	= \$400.00/acre
From greater than 50 to 100 acres	= \$20,000 + \$100.00/acre above 50 acres
From greater than 100 to 516.7 acres	= \$25,000 + \$60.00/acre above 100 acres
Greater than 516.7 acres	= \$50,000

(d) Upon State Soil Conservation Committee approval and recommendation for funding of an application for soil and water project cost-sharing in compliance with N.J.A.C. 2:76-5.7 and upon State Agriculture Development Committee approval, the State Agriculture Development Committee shall obligate funds as approved in the application for up to three years from the date of approval.

1. Approval of funds shall not exceed the amount determined in (a), (b) and (c) above.

2. The term of obligation may be extended due to seasonal constraints or other unavoidable delays only upon the approval of the local soil conservation district, the State Soil Conservation Committee and the State Agriculture Development Committee.

New Rule, R.1993 d.521, effective November 1, 1993.  
See: 25 N.J.R. 3279(a), 25 N.J.R. 4899(a).

### 2:76-5.5 Eligible applicants

(a) Any landowner or farm operator as an agent for the landowner who is in a farmland preservation program or a municipally approved program shall be eligible to apply for a grant for projects.

(b) The farm operator, as an agent for the landowner, shall be designated in writing by the landowner.

Recodified from 2:76-5.4 by R.1993 d.521, effective November 1, 1993.  
See: 25 N.J.R. 3279(a), 25 N.J.R. 4899(a).

### 2:76-5.6 Submission of the application

An applicant shall apply to the soil conservation district and the board for a grant for a project pursuant to N.J.A.C. 2:90-3.

Recodified from 2:76-5.5 by R.1993 d.521, effective November 1, 1993.  
See: 25 N.J.R. 3279(a), 25 N.J.R. 4899(a).

### 2:76-5.7 Approval for project funding

(a) For projects where the applicant provides at least 50 percent of the project cost without assistance from the county and upon the soil conservation district's approval in accordance with N.J.A.C. 2:90-3, the following procedures shall apply:

1. The application shall be forwarded to the State Soil Conservation Committee for approval;
2. A copy of the approved application shall be sent to the board for its information.

(b) For projects where the applicant receives financial assistance from county funds for the cost of projects and upon soil conservation district approval in accordance with N.J.A.C. 2:90-3, the following procedures shall apply:

1. The soil conservation district approved application shall be forwarded to the board for concurrence;
2. Following board approval, the application shall be forwarded to the State Soil Conservation Committee for approval.

(c) The State Soil Conservation Committee upon review and verification of conformance with this subchapter, N.J.A.C. 2:90-2 and 2:90-3 shall recommend funding approval by the committee.

(d) The committee shall review and approve, conditionally approve or disapprove applications for project funding and;

1. Certify that the land is part of a municipally approved program or farmland preservation program;
2. Proceed to secure project funding when approval has been granted; and
3. Notify the soil conservation district of committee's action (informational copy sent to the State Soil Conservation Committee and the board).

Recodified from 2:76-5.6 by R.1993 d.521, effective November 1, 1993.  
See: 25 N.J.R. 3279(a), 24 N.J.R. 4899(a).

### 2:76-5.8 Payment

(a) Upon project completion, as verified by the soil conservation district the applicant shall request payment pursuant to procedures established by N.J.A.C. 2:90-3.

(b) The committee, following State Soil Conservation Committee verification of compliance with N.J.A.C. 2:90-2 and 2:90-3, shall request the Secretary to direct payment to the applicant. The State Soil Conservation Committee, soil conservation district and board shall be advised to such action.

Recodified from 2:76-5.7 by R.1993 d.521, effective November 1, 1993.  
See: 25 N.J.R. 3279(a), 24 N.J.R. 4899(a).

### 2:76-5.9 Allocation of soil and water cost-share eligibility after subdivision

(a) A subdivision for change of ownership of any lands under common deed of ownership shall affect eligibility for soil and water conservation project cost-share grants as follows:

1. Subdivision(s) of the land(s) in a program will not alter the total eligibility for soil and water cost-share funding as determined at program enrollment.
2. That portion of the original eligible amount not already obligated and/or expended for specific projects shall be reallocated pro rata on a per acre basis among the parcels.
3. Funds obligated for specific projects at time of sale or subdivision that lapse under the provisions of N.J.A.C. 2:76-5.3(b)3 shall be reallocated as eligible funds according to (a)2 above.

New Rule, R.1987 d.427, effective October 19, 1987.

See: 19 N.J.R. 1123(a), 19 N.J.R. 1892(a).

Recodified from 2:76-5.8 by R.1993 d.521, effective November 1, 1993.  
See: 25 N.J.R. 3279(a), 24 N.J.R. 4899(a).

## SUBCHAPTER 6. ACQUISITION OF DEVELOPMENT EASEMENTS

### 2:76-6.1 Applicability

The principal purpose for acquisition of development easements is for the long term preservation of agricultural lands in order to maintain and enhance the agricultural industry in the State. These lands shall be retained for agricultural production and shall be restricted from any non-agricultural development.

### 2:76-6.2 Definitions

As used in this subchapter, the following words and terms shall have the following meanings:

"Agricultural Development Area", hereinafter referred to as ADA, means an area identified by a board pursuant to the provisions of N.J.S.A. 4:1C-18 and certified by the State Agriculture Development Committee.