

**NEW JERSEY DEPARTMENT OF AGRICULTURE
STATE SOIL CONSERVATION COMMITTEE
Chapter 251, PL 1975 as amended,
Administrative Policies Bulletin**

<u>Administrative Bulletin:</u> 2018-1.0	<u>Effective Date:</u> September 10, 2018
<u>Subject:</u> Chapter 251 and Agricultural Lands	<u>From:</u> Frank Minch, Executive Secretary

1.01 PURPOSE

To provide clarification and guidance on the applicability of the Soil Erosion and Sediment Control Program on land disturbances with approved NRCS conservation plans.

1.02 SUMMARY

N.J.S.A. 2:90-1.8 (a) provides that the clearing and grading of land greater than 5,000 square feet is subject to the Act unless the disturbance is for agricultural or horticultural activities. Landowners may demonstrate agricultural or horticultural use through a variety of “proofs” including but not limited to possession of a farm conservation plan or forest management plan. The section further provides that the District shall determine if the proofs demonstrate an agricultural or horticultural activity or is subject to the Act.

N.J.S.A. 2:90-1.8 (b) provides that construction of agricultural structures involving disturbances greater than 5,000 square feet require soil erosion and sediment control plan certification unless such disturbances are incorporated in a District approved farm conservation plan.

Land disturbance activities, with or without an agricultural structure, which have a corresponding farm conservation plan approved by the District and are receiving NRCS funding, shall be deemed to have met the proof requirement and are therefore not required to submit a Soil Erosion and Sediment Control Application.

Any concerns with temporary erosion control measures during the implementation of the farm conservation plan shall be directed to the local NRCS Service Center.