

CHAPTER 223

AN ACT concerning grants for wildlife fencing, supplementing P.L.2016, c.12 (C.13:8C-43 et seq.), and amending P.L.2021, c.451.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

C.13:8C-50.1 Owner, operator, lessee, permanently preserved farmland, management, farmland stewardship wildlife fencing grant committee, eligibility; rules, regulations.

1. a. Notwithstanding any rule or regulation adopted pursuant to P.L.2016, c.12 (C.13:8C-43 et seq.) to the contrary, a person who is the owner, operator, or lessee of permanently preserved farmland and who regularly engages in the operation and management of the farming operation on the preserved farmland shall be eligible to apply to the committee for a farmland stewardship wildlife fencing grant for the preserved farmland made available with funding allocated by the committee for stewardship activities pursuant to paragraph (2) of subsection b. of section 8 of P.L.2016, c.12 (C.13:8C-50), provided that an applicant who is an operator or lessee has written approval to install wildlife fencing on the land from the owner of the land on which the wildlife fencing is to be installed.

b. Notwithstanding any other provision of P.L.2016, c.12 (C.13:8C-43 et seq.), any rule or regulation adopted pursuant thereto, the provisions of N.J.A.C.2:76-20.4, or any other rule, regulation, or requirement established by the committee concerning grant programs for stewardship activities on land acquired for farmland preservation purposes, grant amounts available to applicants for wildlife fencing farmland stewardship activities may be up to 50 percent of eligible costs, not to exceed \$50,000 per application.

2. Section 1 of P.L.2021, c.451 (C.4:20-6.1) is amended to read as follows:

C.4:20-6.1 Matching grant program established; deer fencing.

1. a. There is established in the Department of Agriculture a matching grant program for the purpose of providing funding for wildlife fencing to the owner, operator, or lessee of any commercial farm that does not qualify for a wildlife fencing grant pursuant to P.L.2016, c.12 (C.13:8C-43 et seq.) or section 1 of P.L.2023, c.223 (C.13:8C-50.1).

b. (1) The department shall award grants of up to 50 percent of eligible project costs, not to exceed a total of \$50,000 per applicant.

(2) Eligible project costs to be funded by a matching grant under the program shall include the cost to purchase wildlife fencing, the maintenance costs of existing wildlife fencing, and any other costs established as eligible project costs pursuant to rules and regulations adopted by the department pursuant to subsection f. of this section.

c. The owner, operator, or lessee of a farm, as set forth pursuant to subsection a. of this section, shall be eligible for a matching grant for eligible project costs and may apply in the form and manner prescribed by the department, provided that:

(1) the applicant's farming operation has a minimum of \$10,000 in gross sales in the preceding calendar year from agricultural or horticultural products grown or derived from the applicant's farm operation, as reflected in either personal or business federal tax return forms; and

(2) if the applicant is a lessee, the applicant has written approval to install deer fencing on the land from the owner of the land on which the deer fencing is to be installed.

d. (1) The owner, operator, or lessee of a farm awarded a grant pursuant to this section shall, as a condition of receipt of the grant, enter into an agreement with the Department of Agriculture that requires the land to be retained in agricultural or horticultural production for eight years immediately following the receipt of the grant. An agreement entered into

pursuant to this subsection shall not be required to be filed with the municipal tax assessor and recorded with the county clerk in the same manner as a deed. The department shall retain a copy of the agreement for the period of eight years provided for in the agreement and shall require any repayment of the grant as may be necessary pursuant to paragraphs (2) and (3) of this subsection.

(2) If (a) the owner, operator, or lessee of a farm awarded a grant pursuant to this section does not retain the land in agricultural or horticultural production or (b) the owner sells the land prior to the expiration of the eight-year period required pursuant to paragraph (1) of this subsection, the owner, operator, or lessee receiving the grant shall be required to repay the grant to the department on a pro rata basis as provided in paragraph (3) of this subsection.

(3) (a) If, during the eight-year period required pursuant to paragraph (1) of this subsection, the owner, operator, or lessee of a farm awarded a grant pursuant to this section does not retain the land in agricultural or horticultural production, or the owner sells the land, the owner, operator, or lessee of the farm who received the grant shall be required to repay, on a pro rata basis rounded to the nearest month, a sum proportional to the total amount of the awarded grant.

(b) If the recipient of the grant is an operator or lessee who the current owner of the land allows to continue to operate or lease the land for agricultural or horticultural production, and the operator or lessee continues to use the land for agricultural or horticultural production, the recipient of the grant shall not be required to repay the grant or portion thereof in accordance with this paragraph, provided the land is used for agricultural or horticultural production during the eight-year period required pursuant to paragraph (1) of this subsection.

e. The Department of Agriculture shall request annually, as part of its annual budget proposal, such amount as may be necessary to fund the grants authorized pursuant to this section. The department shall also coordinate with the Division of Fish and Wildlife in the Department of Environmental Protection, the United States Department of Agriculture, and any other applicable State or federal agency, to pursue any available federal, State, local, and private funding for the grants authorized pursuant to this section.

f. The Department of Agriculture may adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations necessary to implement this section, including, but not limited to, establishing:

(1) information required to be submitted to the department to determine if a farm is eligible for funding pursuant to subsections a. and c. of this section;

(2) costs that qualify as eligible project costs in addition to those set forth in section b. of this section;

(3) the manner in which an owner, operator, or lessee of a farm eligible for funding pursuant to this section shall provide evidence of the required 50 percent match for a grant;

(4) the manner in which an owner, operator, or lessee of a farm awarded a grant pursuant to this section shall repay the grant on a pro rata basis to the department if the land is sold or is not retained in agricultural or horticultural production for eight years following the receipt of the grant; and

(5) requirements to be included in an agreement entered into by a grant recipient with the department pursuant to subsection d. of this section.

g. As used in this section, "commercial farm" means a commercial farm as that term is defined in section 3 of P.L.1983, c.31 (C.4:1C-3).

3. This act shall take effect immediately.

Approved January 8, 2024.