

P.L. 2021, CHAPTER 451, *approved January 18, 2022*
Assembly, No. 4232

1 **AN ACT** concerning deer fencing on certain farmland and
2 supplementing Title 4 of the Revised Statutes.
3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*
6
7 1. a. There is established in the Department of Agriculture a
8 matching grant program for the purpose of providing funding for
9 deer fencing to the owner or operator of:
10 (1) unpreserved farmland;
11 (2) a farm for which pinelands development credits have been
12 sold or otherwise conveyed pursuant to the “Pinelands Development
13 Credit Bank Act,” P.L.1985, c.310 (C.13:18A-30 et seq.); or
14 (3) a farm that is located in a sending zone pursuant to section
15 13 of the “Highlands Water Protection and Planning Act,”
16 P.L.2004, c.120 (C.13:20-13).
17 b. (1) The department shall award grants of up to \$200 per
18 acre, not to exceed a total of \$20,000 per applicant for up to 50
19 percent of eligible project costs.
20 (2) Eligible project costs to be funded by a matching grant under
21 the program shall include the cost to purchase deer fencing, the
22 maintenance costs of existing deer fencing, and any other costs
23 established as eligible project costs pursuant to rules and
24 regulations adopted by the department pursuant to subsection f. of
25 this section.
26 c. The owner or operator of a farm, as set forth pursuant to
27 subsection a. of this section, shall be eligible for a matching grant
28 for eligible project costs and may apply in the form and manner
29 prescribed by the department, provided that the applicant’s farming
30 operation has a minimum of \$10,000 in gross sales in the preceding
31 calendar year from agricultural or horticultural products grown or
32 derived from the applicant’s farm operation as reflected in either
33 personal or business federal tax return forms.
34 d. (1) The owner or operator of a farm awarded a grant
35 pursuant to this section shall, as a condition of receipt of the grant,
36 enter into an agreement with the Department of Agriculture that
37 requires the land to be retained in agricultural or horticultural
38 production for eight years immediately following the receipt of the
39 grant. An agreement entered into pursuant to this subsection shall
40 constitute a restrictive covenant and shall be filed with the
41 municipal tax assessor and recorded with the county clerk in the
42 same manner as a deed.

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

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

15 f. The Department of Agriculture shall adopt, pursuant to the
16 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
17 seq.), rules and regulations necessary to implement this act,
18 including, but not limited to, establishing:

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

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

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

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

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

35 g. As used in this section, “unpreserved farmland” means a
36 commercial farm, as that term is defined in section 3 of
37 P.L.1983, c.31 (C.4:1C-3), on which a development easement has
38 not been conveyed to, or retained by, the State Agriculture
39 Development Committee, a county agriculture development board,
40 a county, a municipality, or a qualifying tax exempt nonprofit
41 organization pursuant to any State law enacted for farmland
42 preservation purposes.

43
44 2. This act shall take effect immediately.

45
46
47 STATEMENT

48
49 This bill would create a grant program within the Department of

1 Agriculture (department) to provide matching grants to the owner or
2 operator of (1) unpreserved farmland; (2) a farm for which
3 pinelands development credits have been sold or otherwise
4 conveyed pursuant to the “Pinelands Development Credit Bank
5 Act,” P.L.1985, c.310 (C.13:18A-30 et seq.); or (3) a farm that is
6 located in a sending zone pursuant to section 13 of the “Highlands
7 Water Protection and Planning Act,” P.L.2004, c.120 (C.13:20-13).

8 Contingent on available funding, the department would award
9 grants of up to \$200 per acre, not to exceed a total of \$20,000 per
10 applicant for up to 50 percent of eligible project costs, which would
11 include the cost to purchase deer fencing, the maintenance costs of
12 existing deer fencing, or any other costs established as eligible
13 project costs as defined by the department. To be eligible for the
14 program, an applicant would be required to have a minimum of
15 \$10,000 in gross sales in the preceding calendar year from
16 agricultural or horticultural products grown or derived from the
17 applicant’s farm operation. A grant recipient would be required to
18 retain the land in agricultural or horticultural production for eight
19 years following receipt of the grant. If a grant recipient does not
20 retain the land in agricultural or horticultural production or sells the
21 land within eight years of receiving the grant, the recipient would
22 be required to repay the grant on a pro rata basis. The bill would
23 define unpreserved farmland as a commercial farm, as that term is
24 defined in section 3 of P.L.1983, c.31 (C.4:1C-3), on which a
25 development easement has not been conveyed to, or retained by, the
26 State Agriculture Development Committee, a county agriculture
27 development board, a county, a municipality, or a qualifying tax
28 exempt nonprofit organization pursuant to any State law enacted for
29 farmland preservation purposes.

30 The Department of Agriculture would be required to request
31 annually, as part of its budget proposal, such amount as may be
32 necessary to fund the deer fencing matching grant program. The
33 department would also be required to work with the Division of
34 Fish and Wildlife in the Department of Environmental Protection,
35 the United States Department of Agriculture, and any other
36 applicable State or federal agency, to pursue any available federal,
37 State, local, and private funding for the grant program. The
38 department would be required to adopt rules and regulations to
39 implement the grant program.

40 Within the past 20 years, the Department of Agriculture and the
41 Department of Environmental Protection have had programs to
42 provide deer fencing to farmers to help protect their crops. In 2017,
43 the Department of Agriculture launched a deer fencing program to
44 provide matching grants to farmers for the costs of deer fencing and
45 installation. These funds, however, are only available to farmers on
46 preserved farmland. This bill would provide a mechanism to help
47 farmers protect their crops on unpreserved farmland as well as on

1 certain farms in the Pinelands and Highlands Region through a
2 matching grant program.
3
4 _____
5
6 Creates program in Department of Agriculture for deer fencing
7 on certain farmland.