

CHAPTER 451

AN ACT concerning deer fencing on certain farmland and supplementing Title 4 of the Revised Statutes.

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

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 deer fencing to the owner or operator of:

- (1) unpreserved farmland;
- (2) a farm for which pinelands development credits have been sold or otherwise conveyed pursuant to the “Pinelands Development Credit Bank Act,” P.L.1985, c.310 (C.13:18A-30 et seq.); or

(3) a farm that is located in a sending zone pursuant to section 13 of the “Highlands Water Protection and Planning Act,” P.L.2004, c.120 (C.13:20-13).

b. (1) The department shall award grants of up to \$200 per acre, not to exceed a total of \$20,000 per applicant for up to 50 percent of eligible project costs.

(2) Eligible project costs to be funded by a matching grant under the program shall include the cost to purchase deer fencing, the maintenance costs of existing deer 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 or operator 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 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.

d. (1) The owner or operator 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 constitute a restrictive covenant and shall be filed with the municipal tax assessor and recorded with the county clerk in the same manner as a deed.

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

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

2. This act shall take effect immediately.

Approved January 18, 2022.