



CHAPTER 90

STATE SOIL CONSERVATION COMMITTEE

SUBCHAPTER 3. SOIL AND WATER CONSERVATION PROJECT COST SHARING: PROCEDURAL RULES

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SUBCHAPTER 3, WATER CONSERVATION PROJECT COST SHARING: PROCEDURAL RULES

Authority

N.J.S.A. 4:24-3 and 4:1C-24.

Source and Effective Date

R.1985 d.158, effective April 1, 1985.

See: 17 N.J.R. 7(a), 17 N.J.R. 807(a).

Executive Order 66(1978) Expiration Date

Pursuant to the requirements and criteria of Executive Order 66(1978), this subchapter expires on April 1, 1990.

2:90-3.1 Applicability

This subchapter contains State Soil Conservation Committee rules which describe procedures for soil conservation districts and other participating conservation agencies regarding the review and approval of applications for soil and water conservation projects pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., (P.L. 1983, C.32). These rules shall be utilized in conjunction with N.J.A.C. 2:90-2 and N.J.A.C. 2:76-5.

2:90-3.2 Definitions

The following words and terms, when used in this subchapter shall have the following meanings unless the context clearly indicates otherwise.

“Agricultural Conservation Program” (ACP) means a Federal Cost Share Program administered by the Agricultural Stabilization Conservation Service of the United States Department of Agriculture.

“Agricultural Stabilization Conservation Service” (ASCS) means the Agricultural Stabilization Conservation Service of the United States Department of Agriculture.

“Application form” means a standard form adopted by the State Soil Conservation Committee.

“County Agriculture Development Board” (CADB) means a county agriculture development board established pursuant to N.J.S.A. 4:1C-14 or a subregional agricultural retention board established pursuant to N.J.S.A. 4:1C-17.

“District” or “Soil Conservation District” (SCD) means a governmental subdivision of this State, organized in accordance with the provisions of N.J.S.A. 4:24-1 et. seq.

“Farm conservation plan” or “plan” means a plan which indicates needed land treatment and related conservation and resource management

measures including approved forest management practices that are determined practical and reasonable for a particular farm to conserve and protect natural resources and to maintain and enhance agricultural productivity.

“Farmland Preservation Program” means any voluntary “Farmland Preservation Program” or “municipally approved farmland preservation program”, the duration of which is at least eight years, authorized by law enacted subsequent to the effective date of the “Farmland Preservation Bond Act of 1981,” P.L. 1981, c.276, which has its principal purpose the long term preservation of significant masses of reasonably contiguous agricultural land within agricultural development areas adopted pursuant to N.J.S.A. 4:1C-11 et seq., (P.L. 1983, c.32) and the maintenance and support of increased agricultural production as the first priority use of the land.

“New Jersey Bureau of Forest Management” means the Bureau of Forest Management, Division of Parks and Forestry of the New Jersey Department of Environmental Protection.

“Soil Conservation Service” (SCS) means Soil Conservation Service of the United States Department of Agriculture.

“Soil and Water Conservation Practice” means any individual component of a Soil Conservation Project identified on the Farm Conservation Plan. A group of practices when combined to resolve land treatment and related conservation problems are referred to as a “system.”

“Soil and water conservation project” means any project designated for the control and prevention of soil erosion and sediment damages, the control of pollution on agricultural lands, the impoundment, storage and management of water for agricultural purposes, or the improved management of land and soils to achieve maximum agricultural productivity. Definitions of individual projects are contained in United States Department of Agriculture, Soil Conservation Service standards and specifications, Technical Guide Section 4, which are incorporated herein by reference.

“State Agriculture Development Committee” (SADC) means the State Agriculture Development Committee established pursuant to N.J.S.A. 4:1C-4.

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

“Standards and specifications” means the United States Department of Agriculture Soil Conservation Service standards and specifications, Technical Guide Section 4, which are hereby adopted by reference. All forest management type practices shall be in accordance with standards and specifications adopted by New Jersey Bureau of Forest Management. Where determined necessary, the State Soil Conservation Committee may develop and adopt additional standards and specifications for installation of projects. Copies of

Standards and Specifications are on file and may be viewed at United States Department of Agriculture—Soil Conservation Service, Soil Conservation District, and New Jersey Department of Agriculture offices.

“System” means a group of practices which when combined provide for the resolution of land treatment and related conservation problem(s).

“Technical agency” means the United States Department of Agriculture Soil Conservation Service or the New Jersey Bureau of Forest Management having responsibility for standards and specifications as identified above for soil and water conservation projects approved by the State Soil Conservation Committee.

2:90-3.3 Eligibility

Any landowner enrolled in a Farmland Preservation Program is eligible to apply for State funding assistance for soil and water conservation projects approved by the State Soil Conservation Committee and promulgated in N.J.A.C. 2:90-2.A A farm operator may act as agent for the landowner when so designated in writing by the landowner. Upon the concurrence of the SCD, the landowner may request SCD review and recommendation for State funding assistance prior to formal enrollment in a Farmland Preservation Program provided he has expressed his desire in writing to enroll in such a program and has verified that his land is eligible to be enrolled in such a program as prescribed by the CADB.

2:90-3.4 Application procedure

(a) An applicant shall apply to the appropriate SCD for up to 50 percent of the cost of installing a soil and water conservation project(s) on the application form as defined. N.J.A.C. 2:90-3.2.

(b) The SCD shall advise the applicant of program provisions and policies and may assist the applicant in providing the appropriate information to complete the application.

(c) The SCD may establish priorities for providing technical assistance for the plan.

(d) A copy of the completed application shall be sent to the CADB for its information.

2:90-3.5 Feasibility review and technical agency referral

(a) The SCD shall seek the assistance of appropriate technical agencies or agents to determine the applicability of the requested projects to the land.

(b) The technical agency shall review the application and recommend projects that are essential and applicable to the landowners' proposed operation. If the technical agency determines that the requested projects are not feasible and upon the SCD concurrence, the applicant shall be so advised by the district.

2:90-3.6 Preparation of conservation plan

(a) If the technical agency determines that the requested projects are feasible, it shall prepare a farm conservation plan in consultation with the landowner. The plan shall indicate the proposed projects, their location, schedule for installation, maintenance requirements; and estimated costs.

(b) Upon completion of the plan and application, the technical agency shall submit same to the SCD for review and approval. The landowner shall be advised by the SCD of action taken on the plan.

(c) The plan may be modified at the landowners request subject to technical agency concurrence and SCD approval. If the applicant determines that the requested projects cannot be completed within the original schedule because of circumstances beyond his control, the applicant may request an extension of time. The request, including reasons why the extension is needed, shall be submitted, in writing, to the SCD. Upon its concurrence, the SCD shall forward such request to the SSCC for implementation. In no case shall extensions be granted for more than 12 months.

(d) If the SCD determines that serious soil and water management problems exist on the applicants' land, it may require that such problems be addressed prior to the initiation of other projects which are not directly related to the observed soil and water management problems. In addition, projects which are dependent upon prior installation of protective practices identified in the plan must be installed in accordance with the plan schedule.

Amended by R.1985 d.302, effective June 17, 1985.

See: 17 N.J.R. 861(b), 17 N.J.R. 1543(a).

Added (d).

Amended by R.1986 d.190, effective May 19, 1986.

See: 18 N.J.R. 449(a), 18 N.J.R.

(c) substantially amended.

2:90-3.7 Coordination with other cost share programs

(a) The SCD shall forward the plan and application to ASCS or other Federal agencies administering cost share programs to determine availability of funds for the project(s) in the approved plan.

(b) If the ASCS or other Federal agencies cannot share in the cost of projects, they shall return the plan and application to the SCD with appropriate documentation.

(c) Where Federal or other cost-sharing is available, the SCD shall coordinate the appropriate integration of projects.

(d) If the project(s) in the approved plan can be entirely or partially cost-shared with ACP funds, the SCD shall secure ASCS coordination of potential joint State-ACP cost sharing and the completion of appropriate portions of the application form.

(e) The SCD shall advise the applicant of funding available via other programs and recommended appropriate division of projects in the approved plan to assure maximum utilization of all other funding sources. Applicants will be required to seek maximum ACP and other Federal program funding on all projects. Where conservation systems or projects are separated into individual components, such components may be separately allocated to the respective funding sources. In any jointly cost-shared project or component, (f) and (g) below, shall be strictly adhered to.

(f) No Federal cost share program may be used as the landowner's matching portion of costs for a project(s) or any component of a project(s) funded under the provisions of this program.

(g) No portion of the State cost share program may be used as the landowner's portion of costs for a project(s) or any component of a project funded under the provisions of any Federal cost share program.

2:90-3.8 District approval process

(a) Following review by the technical agencies and coordination with other cost share programs, the SCD shall review the application for program conformance.

(b) Upon verification that all eligibility criteria and other program provisions have been satisfied, the SCD shall approve or conditionally approve the application.

(c) The SCD shall promptly advise the applicant of its determinations in writing.

(d) For projects where the applicant provides at least 50 percent of the project cost without county funding assistance, the approved application shall be forwarded by the SCD to the State Soil Conservation Committee for approval. The SCD shall send a copy of the approved application to the CADB for its information.

(e) For projects where the applicant receives financial assistance from County appropriated funds for the cost of projects, the SCD shall forward the approved application to the CADB for concurrence. Following its approval, the CADB shall forward the application to the SSCC for approval.

2:90-3.9 State review and approval process

(a) The SSCC shall review and verify that the application is in conformance with program guidelines.

(b) Following verification, the SSCC shall approve the application and recommend SADC approval and obligation of funds for the entire amount of the approved plan. The SSCC may delegate this authority to the appropriate staff.

(c) Following SADC approval the SSCC and the SCD shall be advised of project funding approval.

(d) The SCD shall advise the applicant and appropriate technical agencies of application approval.

(e) Work must commence within 12 months of funding approval or the application may be cancelled unless the landowner submits a request for extension to the SCD providing reasons for such extension. Upon concurrence, the SCD shall forward the request to the SSCC for approval and implementation. In no case shall such extensions be granted for more than nine additional months.

Amended by R.1986 d.190, effective May 19, 1986.

See: 18 N.J.R. 449(a), 18 N.J.R. 1099(a).

(e) added.

2:90-3.10 Project completion and payment

(a) Upon project or project component completion, the applicant shall notify the SCD and request payment.

(b) The SCD shall secure technical agency verification that the project(s) or project component(s) has been completed in accordance with technical standards and specifications and also verify applicants payment claims. If payment claims are satisfactory, the SCD shall forward the payment request with the payment claim voucher, itemized bills, and related documentation that substantiates all costs incurred to the SSCC.

(c) The SSCC shall verify that program provisions have been satisfied prior to recommending SADC payment to the applicant.

2:90-3.11 Maintenance

(a) The applicant shall be responsible for maintaining the project(s) for eight years following date of completion.

(b) The SCD shall be responsible for inspecting the project(s) for maintenance in accordance with guidelines provided by the SSCC. Such inspections shall be performed annually on at least five percent of each practice installed under the program within the SCD.

(c) The applicant shall allow SCD and other program agents reasonable access to the project site for the purpose of site inspections.

2:90-3.12 Violations

(a) If the SCD determines that an applicant fails to comply with the provisions for maintenance of the project, the SCD shall advise the landowner of required corrective measures. The SCD shall forward a copy of such notification to the SSCC.

(b) The landowner shall not be liable for inadequate maintenance or destruction of a project(s) if caused by a natural disaster that could not have been reasonably anticipated.

2:90-3.13 Records

The SCD shall retain application forms, plans, performance reports, and all other related information pertaining to the applicant and approved projects.
