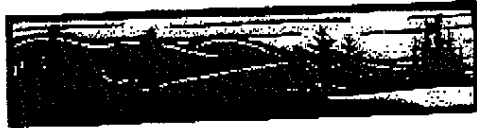


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FRPP - IFR - NJCF

Reviewed 9/25/06

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September 25, 2006

Easement Program Division, NRCS  
1400 Independence Avenue, SW  
Room 6819-S  
Washington, DC 20250-1400  
FAX: 202-720-9689

Re: Farm and Ranch Lands Protection Program, Interim Final Rule

To Whom It May Concern:

Thank you for the opportunity to comment on the proposed amendments to the Interim Final Rule implementing the Farm and Ranch Lands Protection Program (FRPP). This letter focuses on the impervious cover provisions of the rule, although some of the undersigned organizations may have submitted separate testimony on other aspects of the rule proposal.

FRPP is an important program for landowners who choose conservation easements to preserve their land for future generations. The preservation of farmland and ranchland is beneficial to our farm economy, our food security, our rural landscapes and our way of life.

Since its inclusion in the 2002 Farm Bill, the FRPP has preserved over 300,000 acres of farm and ranchland across the country and leveraged more than \$250 million in federal funds with over \$500 million in local funding to help farmers and ranchers preserve their identity and rural landscapes.

The Farm and Ranch Lands Protection Program is very important to many states around the nation, and several states in particular have used the funding to leverage their own dollars in preserving substantial areas of agricultural land. Since the program's introduction in New Jersey, 11,606 acres of farmland have been permanently preserved. Currently, the State Agriculture Development Committee (SADC) in New Jersey is using FRPP funds to preserve farmland in the Highlands Region - an area protected by state legislation and designated for preservation funding under the federal Highlands Conservation Act.

FRPP is an agricultural soils protection program. In using public dollars to protect farm and ranch lands, the federal government has a responsibility to ensure that the public

receives a real benefit. We fully support the impervious cover limit of 2.6% required by FRPP, as it provides sufficient flexibility for business infrastructure while still protecting agricultural soils.

The issue of impervious surface limitations is a critical one, not only to agricultural soils, but also to a clean and ample water supply. The New Jersey Department of Environmental Protection has stated that "agricultural, aquacultural and horticultural activities resulting in significant impervious surface often have greater adverse impacts on water resources than those enterprises that leave the ground open to absorb precipitation and control run off." (CITE 38 N.J.R. 2952). Furthermore, in studies cited in the *Journal of Planning Literature*, Vol. 16, No. 4 (May 2002), negative impacts for biotic measurements such as fish population health were found at only 3.6% impervious cover, and negative impacts for water quality and habitat characteristics began at just 4% impervious cover.

Some state and local programs do include limits on impervious cover in their farmland protection programs. The State of Connecticut, for example, imposes a 10% limit, as do Lehigh and Lancaster Counties in Pennsylvania – two of the most successful programs in the nation. Many state and local programs, however, do not have any limits. There is currently no cap on impervious cover within New Jersey's Farmland Preservation Program, and the FRPP is one of the only ways that farmland soils are currently protected in the Garden State. Without an impervious cover limit, there is no way to protect the future viability of agricultural lands for food crops, ensure public support for the preservation programs and adequate protection of soil and water resources.

We are concerned that allowing unfettered building on preserved agricultural land is beginning to negatively affect public support for farmland preservation initiatives. In 2004 in Boonton Township, Morris County, New Jersey a ballot measure to raise funds to protect open space failed partly due to concerns regarding significant building coverage on a local preserved horse farm. Public concerns have been raised regarding proposed construction on other preserved farms in the state, including a 50,000 square foot orchid nursery and a 133,000 square foot shrimp facility. We urge the USDA to continue administering FRPP as a natural resource protection program. The funds entrusted to NRCS through the USDA should not be used to support agriculture-related operations that not only do not require agricultural soils, but in fact destroy them by removal or compaction.

We appreciate the opportunity to comment on the proposed rules, and your consideration of our concerns. Please contact Alison Mitchell, Policy Director at New Jersey Conservation Foundation at 908-234-1225 if you have any questions.

Sincerely,

Fred Akers, Administrator, Great Egg Harbor Watershed Association, Newtonville, NJ  
Sandy Batty, Executive Director, Association of New Jersey Environmental  
Commissions, Mendham, NJ

Mark Canright, Comeback Organic Farm, Asbury, NJ  
Tracy Carluccio, Deputy Director, Delaware Riverkeeper Network, Bristol, PA  
Paul D. Chrystie, Executive Director, Coalition for Affordable Housing and the  
Environment, Trenton, NJ  
Citizens United to Protect the Maurice River and Its Tributaries, Millville, NJ  
Tim Dillingham, Executive Director, American Littoral Society, Highlands, NJ  
Cynthia Ehrenclo, Executive Director, Upper Raritan Watershed Association,  
Bedminster, NJ  
Joan G. Fischer, Executive Director, Great Swamp Watershed Association,  
Morristown, NJ  
Dr. Paul Reed Hepperly, Director of Research and Training, Rodale Institute,  
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Thomas J. Kerr, President, Wildlands Conservancy, Emmaus, PA  
William S. Kibler, Executive Director, South Branch Watershed Association,  
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Troy Ettel, Director of Conservation, New Jersey Audubon Society, Bernardsville, NJ  
Ross Kushner, Executive Director, Pequannock River Coalition, Newfoundland, NJ  
Debbie Lord, President, Pompeston Creek Watershed Association, Cinnaminson, NJ  
Alison Mitchell, Policy Director, New Jersey Conservation Foundation, Far Hills, NJ  
Palisades Interstate Parks Commission, Bear Mountain, NY  
Constance Stroh, President, Upper Rockaway River Watershed Association, Denville, NJ  
James T.B. Tripp, General Counsel, Environmental Defense, New York, NY  
James R. Waltman, Executive Director, Stony Brook-Millstone Watershed  
Association, Pennington, NJ