

Commonwealth of Pennsylvania

# Agricultural Security Area Handbook



**pennsylvania**

DEPARTMENT OF AGRICULTURE  
BUREAU OF FARMLAND PRESERVATION

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Tom Wolf, Governor

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# **Agricultural Security Area Handbook**



## ***Chapter 1:* What is an ASA?**

## **Section 1.1 – Introduction**

The Agricultural Security Area program was established in 1981 as a tool for strengthening and protecting agriculture in Pennsylvania. In this program, farm owners can help preserve the viability of Pennsylvania farms by working together to establish such Areas. There are multiple benefits to establishing an Agricultural Security Area (ASA): participating farmers are entitled to special consideration from local and state government agencies if a farm is proposed for condemnation, and participating farmers are protected from some "nuisance" challenges, which help to encourage the continued use of farmland for productive agricultural purposes. In addition, the program is an important tool in the Commonwealth's "farmland preservation toolbox." At the time of this publishing, roughly four million acres of land are enrolled in Agricultural Security Areas statewide.

Agricultural Security Areas promote more permanent and viable farming operations over the long term by strengthening the farming community's sense of security in land use and the right to farm. Areas are created by local municipalities in cooperation with individual landowners who agree to collectively place at least 250 acres in an Agricultural Security Area.

## **Section 1.2 – Who Can Participate?**

Landowners with property that meets the following conditions may apply to be in an Agricultural Security Area:

1. Noncontiguous farm parcels must be comprised of 10 acres in size or more, or have an anticipated yearly gross income of at least \$2,000 from agricultural production. The farm tracts that are required in order to create a new 250-acre or larger Agricultural Security Area do not have to be under the same ownership or even be located in the same municipality.
2. The property must be viable agricultural land. Cropland, pasture, and woodland can all be included in an Agricultural Security Area.
3. Land proposed must have soils that are conducive to agriculture. This factor will be automatically satisfied if at least 50% of the soils are classified in Classes I-IV or if the soil is currently in active farm use and is being maintained in accordance with a soil erosion and sedimentation plan.
4. The property must be zoned to permit agricultural uses, but does not need to be zoned to exclude other uses.
5. Additional factors to be considered are the extent and nature of farm improvements, anticipated trends in agricultural economic and technological conditions, and any other relevant factors.

## **Section 1.3 – Registration**

The process of establishing an Agricultural Security Area is initiated by petition of owner's productive farmland totaling at least 250 acres. The land to be included must have soils conducive to agriculture and must be used for production of crops, livestock, livestock products, horticultural specialties, and/or timber.

## **Section 1.4 – Participation**

Participation in the Agricultural Security Area is available on a voluntary basis to landowners within the jurisdiction of the governing body. If a landowner wishes to enroll in the Agricultural Security Area after the Area is originally established, he or she may still enroll.

### **Section 1.5 – Benefits of Enrolling Land**

There are many benefits to enrolling land in an ASA:

- An ASA designation is a prerequisite for eligibility in a county farmland preservation program. In counties that have established farmland preservation programs under the Agricultural Area Security Law, farms located in an ASA consisting of at least 500 acres may apply for the purchase of an agricultural conservation easement by the Commonwealth.
- Municipalities are not permitted to enact local laws or ordinances that would unreasonably restrict farm structures or farm practices within the ASA.
- Any municipal law or ordinance which defines or prohibits a public nuisance must exclude any agricultural activity or operation that uses normal farming practices within an ASA. This serves as a check against municipal ordinances that may unreasonably restrict agriculture.
- All Commonwealth agencies must encourage the maintenance of viable farming in ASAs.
- Generally, no Commonwealth agency which has powers of eminent domain may condemn land within an Agricultural Security Area that is being used for productive agricultural purposes (not including the growing of timber) unless prior approval has been obtained from the Agricultural Lands Condemnation Approval Board (ALCAB).
- The ASA designation does not restrict the use of the property by the farmer. The farmer or any subsequent owners may develop, sell, or subdivide the property in any manner authorized by local zoning and subdivision and land development regulations.
- The farmer is obligated to maintain the ASA status of the farm for seven years after the initial application. After the initial seven year period, the farmer may have the ASA designation removed at any time by submitting a written request to the municipality.
- The ASA designation will stay with the property when it is sold or subdivided. The only way a property can be removed from an ASA is through the action of the property owner or through a formal hearing process conducted by the municipality.
- The municipality may review the ASA every seven years or during the seven year period if there has been significant change of use of the properties located within the ASA. The property owners of the ASA designated property must be notified in writing of the review. If the municipality fails to review the ASA at the seven year interval, the ASA is automatically renewed for an additional seven years.

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## ***Chapter 2:* Creating an ASA**

## **Section 2.1 – Creating an Agricultural Security Area Advisory Committee (ASAAC)**

When a proposal to create an Agricultural Security Area is received by the governing body of a municipality, the governing body shall establish an Agricultural Security Area Advisory Committee (ASAAC). This committee shall consist of three active farmers, each representing a different private or corporate farm, one citizen residing within the municipality, and one member of the governing body of the municipality who shall serve as the chair of the committee.

The members of the committee shall be appointed by and shall serve at the pleasure of the chair of the governing body. The members shall serve without salary, but the governing body may entitle each such member to reimbursement for actual and necessary expenses incurred in the performance of official duties.

The committee shall advise the governing body and work with the local planning commission in relation to the proposed establishment, modification, and termination of an Agricultural Security Area. In particular, the committee shall render expert advice relating to the desirability of such action, including advice on the nature of farming and farm resources within the proposed ASA and the relation of farming in the Area to the municipality as a whole.

## **Section 2.2 – Proposal for Creation**

Any owner or owners of land used for agricultural production may submit a proposal to the governing body of the municipality to create an Agricultural Security Area, provided that the owner or owners own at least 250 acres of viable agricultural land proposed to be included in the Area. The proposed Area may also consist of any number of noncontiguous tax parcels or accounts, provided that each tax parcel or account is at least 10 acres or has an anticipated yearly gross income of at least \$2,000 from the agricultural production of crops, livestock and livestock products on the parcel or account.

## **Section 2.3 – Submitting the Proposal**

The proposal for the creation of an Agricultural Security Area shall be submitted in a manner and form prescribed by the governing body of the municipality where the proposed Area is situated. The proposal must include a description of the proposed Area, including its boundaries, and must be submitted by certified mail with return receipt requested. The return receipt shall serve as notice of the official receipt of the proposal by the governing body and shall verify the official submission date.

## **Section 2.4 – Modification of the Proposal**

The proposal for the creation of an ASA may be modified up to 15 days prior to the advertisement of the required public hearing. This public hearing is more fully discussed in Section 2.9 of this handbook.

## **Section 2.5 – Fees**

A governing body shall not require landowners included in a proposed Agricultural Security Area to pay any fees in connection with an application to create an Area. However, a governing body *may*, by resolution, impose reasonable filing fees in connection with the administration and



review of an Agricultural Security Area application that proposes to include substantially the same lands as proposed in a previously submitted application that the governing body had rejected within the last 36 months based on the recommendations of the Agricultural Security Area Advisory Committee and the local planning commission.

### **Section 2.6 – Notice**

Upon the receipt of a proposal, the governing body must acknowledge receipt of the proposal at its next regular or special meeting and must provide notice of the proposal by publishing a notice in a newspaper of general circulation within the proposed Agricultural Security Area. The governing body must also post notice in five conspicuous places within, adjacent, or near to the proposed Area.

This notice must contain the following information:

1. A statement that a proposal for an Agricultural Security Area has been filed with the governing body.
2. A statement that the proposal will be on file and open to public inspection in the office of the municipality.
3. A statement that any municipality encompassing or adjacent to the proposed Area, any landowner who owns land proposed to be included with in the proposed Area, or any landowner with land adjacent or near the proposed Area who wishes his or her land to be included or not included in the Area may propose modifications of the proposed Area in a form and manner prescribed by the municipality. The statement must also indicate that objections to the proposal and proposed modifications to the proposal must be filed with the governing body and the planning commission within 15 days of the date of publication of the notice.
4. A statement that at the termination of the 15 day period, the proposal and proposed modifications will be submitted to the local planning commission and the Agricultural Security Area Advisory Committee. The statement must also indicate that a public hearing will be held to consider the proposal any proposed modifications received during the 15 day period, and the recommendations of the planning commission and advisory committee.

### **Section 2.7 – Report by the Planning Commissions**

Upon the termination of the 15 day period after the date of publication of the notice, the governing body must forward the proposal and any proposed modifications to the local and county planning commissions. The planning commission has up to 45 days to review the proposal and any proposed modifications and must then report its recommendations to the governing body. The local planning commission must specifically report on the potential effect that the proposal and proposed modifications will have upon the municipality's planning policies and objectives. If the planning commission fails to submit a report to the governing body within 45 days, the proposal will be deemed to be approved.

## **Section 2.8 – Report by the Agricultural Security Area Advisory Committee**

Upon the termination of the 15 day period following the date of publication of the notice, the governing body must also forward the proposal and any proposed modifications to the Agricultural Security Area Advisory Committee. The committee has up to 45 days to review the proposal and any proposed modifications and report its recommendations to the governing body. The failure of the advisory committee to submit a report to the governing body within 45 days shall be deemed to constitute approval of the proposed Agricultural Security Area by the advisory committee.

## **Section 2.9 – Public Hearing**

The governing body must hold a public hearing on the proposed Agricultural Security Area after receiving the reports from the advisory committee and the planning commissions or upon expiration of the 45 day review period. The hearing must be held at a place within the proposed Area or otherwise readily accessible to the proposed Area, such as a municipal building. As required by the "Sunshine Act," a hearing notice must be published in a newspaper having a general circulation within the proposed Area. In addition, notice must be given in writing to any landowners who proposed modifications or whose land is included in the proposed modifications, and to all landowners within the proposed Agricultural Security Area. Notice also must be given by posting such notice in five conspicuous places within, adjacent or near to the proposed Area.

The notice shall contain the following information:

1. A statement of the time, date and place of the public hearing.
2. A description of the proposed Area, any proposed additions or deletions, and any recommendations of the planning commissions or advisory committee.
3. A statement that the public hearing will be held concerning:
  - a. The original proposal.
  - b. Any written amendments proposed during the review period.
  - c. Any recommendations proposed by the Agricultural Security Area Advisory Committee and the county and local planning commissions.

## **Section 2.10 – Evaluation Criteria**

The following factors shall be considered by the planning commissions, advisory committee, and at the public hearing held by the governing body:

- (1) Land proposed for inclusion in the Agricultural Security Area must have soils that are conducive to agriculture. This factor will be automatically satisfied if at least 50% of the land to be included in the Agricultural Security Area falls into one of the following categories: land whose soils are classified in Natural Resources Conservation Service Capability Classes I through IV; land that falls within the Natural Resources Conservation Service classification of "unique farm land"; or land whose soils do not meet Capability Classes I through IV but which is currently in active farm use and is being maintained in accordance with the soil erosion and sedimentation plan applicable to such land.

- (2) Use of land proposed for inclusion in an Agricultural Security Area must be compatible with municipal comprehensive plans. The zoning in the proposed Area must permit agricultural uses but does not need to exclude other uses. Regardless of zoning, a landowner may propose to include all of his or her land in an Agricultural Security Area.
- (3) The land proposed for inclusion in the Agricultural Security Area must be viable agricultural land.
- (4) Additional factors to be considered are the extent and nature of farm improvements, anticipated trends in agricultural economic and technological conditions, and any other matter which may be relevant.

### **Section 2.11 – Decision on the Proposal**

Upon completion of these procedures and considerations, the governing body may adopt the proposal or may modify the proposal. Two examples of common modifications are the inclusion of adjacent viable farm land if the owner of that land has applied to be included and the exclusion of nonviable farm land and nonfarm land. Regardless of what action is taken, the governing body must adopt or reject the original proposal, or any modification, no later than 180 days from the date when the proposal was originally submitted. If the governing body fails to act within this 180 day period, the proposal will be deemed to be adopted without modification. An Agricultural Security Area shall become effective upon the adoption of the proposal or its modification by the governing body or upon expiration of the 180 days.

If the governing body rejects or modifies the proposal, the governing body must submit a written decision to the owner or owners of the land stating why the proposal was not adopted or was modified. The written decision must be submitted within 10 days of the decision and must include a finding of fact, a review of the prescribed evaluation criteria, and a discussion of reasons for rejection or modification of the proposal.

If the governing body accepts the proposal and creates an Agricultural Security Area, a description of the Area (including tax parcel identifiers) must be filed by the governing body with the following entities within 10 days of the Area's creation:

- (1) The county recorder of deeds, who shall record the description. Recording must be done in a manner that gives sufficient notice to all persons who have, may acquire, or may seek to acquire an interest in land in or adjacent to the created Agricultural Security Area.
- (2) The planning commission of the county.
- (3) The planning commission of the municipality.

Upon the failure of the governing body to file a description or the failure of the recorder of deeds to record the created Agricultural Security Area in accordance with the time or manner requirements prescribed, any person adversely affected may file a petition with the county court of common pleas to compel immediate compliance with these provisions.

Within 10 days of the recording of the Agricultural Security Area, the governing body must notify the Pennsylvania Secretary of Agriculture that the Area has been approved and recorded, modified or terminated. The notification must be in writing and must include the number of landowners, the total acreage of the Area, the date of approval by the governing body, and the date of recording. In addition, a copy of the actually recorded document, which indicates the location of recording, (book and page information/instrument number) must be provided with this notification.

### **Section 2.12 – Appeals**

Any party in interest who is aggrieved by a decision or action of the governing body relating to the creation, composition, modification, rejection, or termination of an Agricultural Security Area may take an appeal to the county court of common pleas in the manner provided by law within 30 days after such decision or action.

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## ***Chapter 3:* Additions/Modifications**

### **Section 3.1 – ASA Located in Multiple Municipalities**

Land proposed for inclusion into the ASA may be located in more than one municipality and may be eligible provided that the following apply:

- A. The proposal shall be submitted to, and approved by the governing body of each municipality affected.
- B. The governing bodies may work jointly in the review of the proposal. This includes a joint public notice, joint Agricultural Security Area Advisory Committee, and a joint public hearing on the proposal.
- C. If each municipality conducts its own review of the ASA proposal and one of the municipalities rejects the proposal, this rejection will only affect the portion of the proposal which is situated within that municipality. The portion located in the other municipality would not be affected and will still be reviewed by the other municipality.

### **Section 3.2 – Automatic Inclusion of Property in an ASA in Multiple Municipalities**

All land which is part of a parcel of farmland included in the proposal and transected by the dividing line between two municipalities will automatically become part of the Agricultural Security Area if both of the following apply:

- A. The **majority** of the viable agricultural land of the parcel is located within the proposed ASA, and
- B. The municipality in which the **minority** of the viable agricultural land of the parcel is located has not approved an ASA.

In other words, a parcel that lies in two different municipalities may still be enrolled in an ASA, even if one of the municipalities does not create an ASA.

**NOTE:** The governing body which approves the ASA is responsible for recording, filing, and notification for the land added.

### **Section 3.3 – Additions to the ASA**

The addition of land to the Agricultural Security Area may occur at any time.

### **Section 3.4 – Proposal for Adding Land to an Existing ASA**

Any owner of land that is used for agricultural production may submit a proposal to the governing body for the addition the land to an existing Agricultural Security Area. The proposed addition to the Area may consist of any number of noncontiguous tax parcels or accounts, provided that each tax parcel or account is at least 10 acres, or has an anticipated yearly gross income of at least \$2,000 from the agricultural production of crops, livestock and livestock products on such parcel or account. There is no requirement that any proposal for an addition to an existing Agricultural Security Area comprise at least 250 acres of viable agricultural land.

**Reminder:** Such proposal to the governing body must be submitted by certified mail with return receipt requested. The return receipt shall serve as notice of the official receipt of the proposal by the governing body and shall verify the official submission date.

### **Section 3.5 – Removing Land from an ASA**

If land has been in an ASA for seven years or more, it may be removed from the ASA at the landowner's discretion, if both of the following apply:

1. The landowner submits a written notification to the governing body of the municipality to have the land deleted from the ASA. The written notification shall contain information sufficient to identify the land to be removed, and shall include the acreage of the land to be removed.
2. The written notification is submitted by certified mail, with return receipt requested.

The governing body does not have the authority to deny a landowner's notification to remove land from an ASA. The removal of land from an ASA will take effect upon receipt of the written notification by the governing body, and the governing body must then record the new description of the ASA from which land has been removed. This recording must take place within 10 days of the effective date of the removal.

If the removal of land from an ASA causes the remaining lands of the ASA to fail to meet the minimum standards for an ASA, (such as the 250 acre minimum size, soil quality, etc.) the ASA will be terminated. If this is the case, the governing body will be responsible to record this termination with the county recorder of deeds, the county planning commission, the local planning commission, and the Pennsylvania Secretary of Agriculture.

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## ***Chapter 4:*** **Seven Year Review/Interim Review**



### **Section 4.1 – Seven Year Review**

The governing body shall review an Agricultural Security Area (ASA) seven years after the date of its creation and every seven years thereafter. During the seven year review, the governing body may make additions, modifications, or deletions to the ASA.

### **Section 4.2 – Notice**

30 days before the commencement of the seven year review, notice of the review must be given by publication in a newspaper with general circulation in the Area, by notice posted in five conspicuous places within, adjacent to, or near the Area, and by written notice to all persons owning land currently designated as ASA.

The notice must contain the following information:

1. A statement that a required seven year review of the Agricultural Security Area will be conducted by the governing body pursuant to Act 43 of 1981.
2. A statement that the ASA will be on file and open to public inspection in the office of the municipality.
3. A statement that any landowner who owns land proposed to be included within the ASA, or any landowner with land adjacent or near the ASA who wishes his or her land to be included or removed, may propose modifications of the ASA in a form and manner prescribed by the governing body. The statement must also indicate that objections to the proposal and proposed modifications to the proposal must be filed with the governing body and the local planning commission within 30 days of the date of publication of the notice.
4. A statement that at the termination of the 30 day period, the ASA and any proposed modifications will be submitted to the local planning commission and the advisory committee, and that a public hearing will then be held on the ASA, any proposed modifications, and recommendations of the planning commission and advisory committee.

### **Section 4.3 – Proposal for Modifications**

Persons wishing to modify the Area shall submit proposed modifications to the governing body within 30 days of the date of notices. Any owner or owners of land used for agricultural production may submit a proposal to the governing body for the modification of the ASA to include their property in the ASA, provided that each tax parcel or account is at least 10 acres or has an anticipated yearly gross income of at least \$2,000 from the agricultural production of crops, livestock and livestock products on such parcel or account. Any owner or owners of land currently in the ASA may submit a proposal to the governing body for the modification of the ASA to remove their property from the ASA. See Section 3.5 for more information.

### **Section 4.4 – Fees**

A governing body shall not require landowners included in an existing Agricultural Security Area to pay any fees in connection with review of Agricultural Security Areas. However, a governing body may, by resolution, impose reasonable filing fees in connection with the administration and review of an Agricultural Security Area application that proposes to include substantially the

same lands as proposed in a previously submitted application that the governing body had rejected within the last 36 months based on the recommendations of the Agricultural Security Area Advisory Committee and the planning commission.

#### **Section 4.5 – Failure to Conduct a Seven Year Review**

If the governing body fails to conduct a seven year review, the Area shall be deemed to be readopted without modification for another seven years.

#### **Section 4.6 – Interim Review**

If 10% or more of the land within an ASA is diverted to residential or nonagricultural commercial development at any time prior to a seven year review of the ASA, the governing body may review the ASA and consider modifying or terminating the ASA in accordance with the procedures in this handbook.

If the governing body elects to pursue the interim review, it must request in writing that the local planning commission, the county planning commission, and the advisory committee review the ASA and make recommendations with respect to modification or termination of the ASA within 30 days of receiving the written request. The advisory bodies must issue written recommendations within 30 days of receiving a request for recommendations from the governing body.

If the governing body elects to pursue the interim review, it must conduct a public hearing no sooner than 45 days after it submits its request for recommendations to the local planning commission, the county planning commission, and the advisory committee. The governing body must provide the same notice for the public hearing as it would if were holding a public hearing to consider creating an ASA. This public hearing shall be held at a place either within the ASA or at a location readily accessible to the ASA such as a nearby municipal building.

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## ***Chapter 5:* Eminent Domain/Condemnation**

## **Section 5.1 – History of Condemnation Limitations**

The Legislature created the Agricultural Lands Condemnation Approval Board (ALCAB) through Act 100 of 1979 to oversee the condemnation of agricultural lands for two purposes:

- Highway/roadway projects
- Disposal of solid or liquid waste materials

The Agricultural Area Security Law (Act 43 of 1981) expanded ALCAB jurisdiction to include not only highway/roadway projects and disposal of solid or liquid waste materials, but also other types of condemnations that may impact farms enrolled in an ASA. Examples include, but are not limited to:

- Township buildings
- Schools
- Waste water treatment plants
- Public water supply structures
- Recreational trails
- Public parks

## **Section 5.2 – Outline of Condemnation Procedure and ALCAB Process**

The ALCAB is comprised of six members representing the Governor's Office, Department of Agriculture, Department of Transportation, Department of Environmental Protection, and two farmer board members. The board convenes on an as-needed basis. It is the condemner's responsibility to petition board review. Since the inception of the board, more than 85 cases have been heard and decided.

- A. Approval required for condemnation undertaken by an agency of the Commonwealth :
  - a. No agency of the Commonwealth which has powers of eminent domain may condemn land within an ASA that is being used for productive agricultural purposes (not including the growing of timber) unless prior approval has been obtained from ALCAB.
  - b. However, this condemnation approval from ALCAB will not be required for:
    - i. An underground public utility facility that does not permanently impact the tilling of the soil, or
    - ii. Any facility of an electric cooperative corporation, or
    - iii. Any public utility facility which has been reviewed and ratified or approved by the Pennsylvania Public Utility Commission (PUC) or the Federal Energy Regulatory Commission (FERC).
  - c. All state-funded development projects which might affect land in an established ASA must be reviewed by the appropriate local Agricultural Security Area Advisory Committee and by ALCAB. Each reviewing body may suggest any modification to the Commonwealth-funded development project which ensures the integrity of the Agricultural Security Areas against non-farm encroachment.

- B. Approval required for condemnation by all other authorities having powers of eminent domain:
- a. No political subdivision, authority, public utility, or other body having or exercising powers of eminent domain shall condemn any land within an ASA for any purpose, unless prior approval has been obtained from each of the following bodies:
    - i. The governing body of the municipality encompassing the ASA (*Board of Township supervisors*)
    - ii. The county governing body (*County Commissioners*)
    - iii. The Agricultural Security Area Advisory Committee (*Township*)
    - iv. Agricultural Lands Condemnation Approval Board/ALCAB (*Commonwealth*)
  - b. However, this condemnation approval shall not be required for:
    - i. An underground public utility facility that does not permanently impact the tilling of the soil, or
    - ii. For any facility of an electric cooperative corporation, or
    - iii. For any public utility facility which has been reviewed and ratified or approved by the Pennsylvania Public Utility Commission (PUC) or the Federal Energy Regulatory Commission (FERC).
- C. Notice – any entity that wishes to condemn property within an ASA must notify each of the above- named bodies at least 30 days prior to taking such action. No such condemnation will be effective until 60 days following the receipt of such notice.
- D. Review by ALCAB and Other Bodies
- a. In the case of condemnation for highway purposes or for the disposal of solid or liquid waste material, the Agricultural Lands Condemnation Approval Board (ALCAB) or other appropriate reviewing body shall approve the proposed condemnation only if it determines there is no reasonable and prudent alternative to the utilization of the land within the Agricultural Security Area for the project. However, activities relating to existing highways such as (but not limited to) widening roadways, eliminating curves, or road reconstruction require no such approval.
  - b. In the case of condemnation for all other purposes, the ALCAB or other appropriate reviewing body shall approve the proposed condemnation only if it determines:
    - i. The proposed condemnation would not have an unreasonable adverse effect upon the preservation and enhancement of agriculture or municipal resources within the Area or upon the environmental and comprehensive plans and the goals, resource plans, policies, or objectives of the county, municipality, and the Commonwealth, and
    - ii. There is no reasonable or prudent alternative to the utilization of the lands within the Agricultural Security Area for the project.

#### E. Public Hearings

- a. Within the 60 day period indicated above, the ALCAB and other indicated bodies, as appropriate, must hold a public hearing concerning the proposed condemnation at a place within or readily accessible to the Area. In addition,
  - i. Timely notice of such hearing must be placed in a newspaper of general circulation within the Area and a written notice must be posted at five conspicuous places within or adjacent to the Area proposed for condemnation, and
  - ii. Individual written notice must be given to all municipalities encompassing all or part of the Area, to the proposed condemner, and to the owners of the land proposed to be condemned.

#### F. Findings and Decisions

- a. The ALCAB and other bodies such as the local planning commission and county planning commission shall render findings and decisions before the expiration of the 60 day period and shall report these findings and decisions to the proposed condemner, the affected municipality, and any party who files an appearance at the public hearing.
- b. If the ALCAB or any other body fails to act within the 60 day period, the condemnation will be deemed approved.

- G. Injunctions – the ALCAB may request that the Attorney General bring an action to enjoin a condemner from violating any of the provisions of the Agricultural Area Security Law. Similarly, the municipality may request their solicitor to bring such an action.

### **Section 5.3 – Right to Farm Law**

The Right to Farm Law reduces the loss of agricultural resources by limiting the circumstances under which agricultural operations may be the subject matter of nuisance suits and ordinances. While the Right to Farm Law and the Agricultural Area Security Law both protect farmland and ensure the continued viability of Pennsylvania agriculture by limiting nuisance actions, the two laws are separate and distinct.

### **Section 5.4 – ACRE**

The Agriculture, Communities and the Rural Environment Act (ACRE) creates a process where farmers may request that the Attorney General review local ordinances that may unlawfully restrict normal farming activities. If the Attorney General determines the local ordinance is in conflict with state law, the municipality is notified of this finding and is given an opportunity to modify the ordinance. If the municipality does not modify the ordinance to comply with state law, the Attorney General may bring legal action against the municipality in Commonwealth Court.

Some cases regarding ACRE include:

- *Commonwealth v. Locust Township* – Commonwealth Court ruled that certain setback requirements imposed by a township for agricultural structures were more restrictive than the state's Nutrient Management Act permitted.  
<http://caselaw.findlaw.com/pa-commonwealth-court/1606480.html>
- *Commonwealth v. Richmond Township* – Commonwealth Court reaffirmed that township-imposed setback requirements for agricultural structures may not be more restrictive than state's Nutrient Management Act. Commonwealth Court also found that restricting animal waste compost as a marketable agricultural product was unlawful.  
<http://caselaw.findlaw.com/pa-commonwealth-court/1534726.html>
- *Commonwealth v. East Brunswick Township* – Commonwealth Court ruled it was unlawful for a township to impose cost-prohibitive fees associated with the spreading of biosolids.  
<http://caselaw.findlaw.com/pa-commonwealth-court/1362578.html>
- *Boswell v. Skippack Township* – Commonwealth Court ruled that use of noise making device to deter birds from fruit trees is not normal farming activity under the Right to Farm Law.  
[http://law.psu.edu/file/aglaw/Act\\_38/Boswell v Skipack Twp 6 28 2012.pdf](http://law.psu.edu/file/aglaw/Act_38/Boswell_v_Skipack_Twp_6_28_2012.pdf)

# **Agricultural Security Area Handbook**



## ***Chapter 6:* Frequently Asked Questions**



1. **What is an Agricultural Security Area (ASA)?**

Act 43 of 1981 allows any owner of land used for agricultural production to submit a petition to their municipality for creation of an Agricultural Security Area (ASA). ASAs require at least 250 acres of viable agricultural land and are created by the municipality. The initial seven year term of an ASA is followed by a re-certification process.

2. **Will I be penalized if I change land uses while in an ASA?**

Participation in an ASA is purely voluntary. There are no penalty provisions for an individual who changes land use while in an ASA.

3. **Is the creation of an ASA the same as zoning?**

*No*, an ASA designation is not zoning.

4. **Can an ASA be in more than one municipality?**

Yes, but approval must be given by each municipality. If one of the municipalities involved rejects the petition, the acreage in that municipality must be subtracted from the total acreage. If this lowers the acreage below the prescribed 250 acres, then the petition must be withdrawn.

Land that is transected by the dividing line between two municipalities will automatically become part of the ASA if the majority of the viable agricultural land of the parcel is located within the proposed Agricultural Security Area, and if the municipality in which the minority of the viable agricultural land of the parcel is located has not approved an Agricultural Security Area.

5. **Can I participate in an ASA even if my land does not connect with the proposed Area's boundaries?**

Non-connecting parcels are permitted in an ASA. Non-connecting Areas may be made up of one or more parcels and must be at least 10 acres in size, or the parcel must be able to generate an anticipated yearly gross income of at least \$2,000 from the agricultural production of crops, livestock, and/or livestock products.

6. **Must I have my land be surveyed if I join an ASA?**

The Agricultural Area Security Law does not require the surveying of any parcels except for when an individual only enrolls a portion of a tract, rather than the entire tract, into an ASA.

7. **Can forestland be in an ASA?**

Yes, forestland is included under the definition of "crops, livestock and livestock products" in the Agricultural Area Security Law.

**8. What are the benefits of being in an ASA?**

- i. Under the Agricultural Area Security Law, local officials are encouraged to support agriculture by not passing nuisance laws that would restrict normal farming operations.
- ii. While benefiting from participation in an ASA, a farm operator shall nonetheless engage only in normal acceptable farming practices. It is important to note that being in an ASA does not take away a municipality's right to control nuisances when they bear directly on public health and safety.
- iii. The ASA also protects farm operators by discouraging condemnation of agricultural land through eminent domain. Participants receive the advantage of having additional reviews of the proposed condemnation.
- iv. Finally, landowners in an ASA are eligible to voluntarily apply to sell an agricultural conservation easement to the Commonwealth, county, and/or township.

**9. Are there any restrictions on land use within an ASA?**

There are no restrictions placed on land use as a result of being in an ASA. A landowner retains the right to subdivide, *sell*, or change the use of his or her land regardless of participation in an ASA. However, landowners are not exempt from certain zoning ordinances, deed restrictions, or current state environmental laws.

**10. Is the ASA designation permanent?**

The ASA designation should be reviewed every seven years after its establishment, or the ASA continues as it exists. Also, the Area may be reviewed at any time if 10% of the land is converted to non-agricultural uses.

Landowners who want their land removed from an ASA must notify the municipality of their intention to leave the ASA.

**11. Does the municipality have to conduct a seven year review for each addition to an ASA?**

No. Seven year reviews should be conducted every seven years on the anniversary of the creation of an ASA. Land added to an ASA during any seven year period should be reviewed at the same time as all other land in the ASA. The purpose of a seven year review is to update the ASA's records and any modifications to the ASA or deletions from the ASA should be made at this time.

**12. Is it required that townships perform a seven year review? What is the penalty for not conducting a review?**

If a township does not conduct a seven year review, the ASA is considered to be readopted, without modification, for another seven years. The Agricultural Area Security Law does not provide for a specific "penalty" if a township does not take action to conduct a seven year review. However, it is in the best interest of landowners, municipality, county land preservation boards, and the Pennsylvania Department of

Agriculture that a review be conducted.

**13. If the township has an existing ASA, should new properties wishing to become part of an ASA be included in the existing ASA or should the township create a new ASA?**

If a township has an existing ASA, any future proposals should be considered additions to the original ASA.

**14. Can a landowner put fewer than 10 acres in an ASA (for example, a 2.5 acre vegetable garden that produces \$2,000 of agricultural production)?**

Yes, if the agricultural production is for commercial purposes, and the anticipated value of the production is at least \$2,000.

**15. Is it required that all farms in an ASA be in current operation?**

No. As long as the farms consist of viable land, are at least 10 acres in size (or meet the \$2,000 anticipated production value criterion), and have not been diverted to residential or nonagricultural commercial use, the farms do not need to be currently operating to remain in the ASA.

**16. Should individual parcels be listed if they are part of one tract under one landowner's name?**

Yes. The tax parcel number or account number of each parcel and the number of acres (including partial acres, to the nearest thousandth) contained in each parcel must be listed with the owner's name(s) for each parcel of land to be included in an ASA.

**17. What is "viable agriculture"? How is it determined if \$2,000 worth of production is possible?**

Viable agricultural land is defined as *"land suitable for agricultural- production and which will continue to be economically feasible for such use if real estate taxes, farm use restrictions, and speculative activities are limited to levels approximating those in commercial agricultural areas not influenced by the proximity of urban and related nonagricultural development."*

It is the responsibility of the municipality, and therefore the Agricultural Security Area Advisory Committee, to determine if a parcel's anticipated yearly gross income is at least \$2,000 worth of agricultural production only if the parcel is less than 10 acres in size. Parcels over 10 acres in size are not required to verify the \$2,000 of anticipated yearly gross income from agricultural production.

**18. Can farms in an ASA be subdivided?**

Yes. Farms in an ASA can be subdivided and remain in the ASA if each subdivision meets the requirements for participation and the tax parcel ownership changes are properly recorded and documented.

**19. Does a subdivision have to be recorded as an amendment?**

The law does not specifically address this question. However, proper recording should

be done and reflected in a seven year or interim review. This will protect subdivision owners from zoning restrictions, condemnation proceedings, etc., and will protect their eligibility to enter the agricultural easement program.

**20. If a proper proposal is made to the municipality, and after the 180 days the local governing body refuses to act, who records the ASA at the recorder of deeds office? What are the legal steps that follow?**

- i. The law states "failure by the governing body to act within the 180 day period shall be deemed adoption of the proposal without modification." The ASA becomes effective upon expiration of the 180 day period if the proposal is not acted upon beforehand.
- ii. The law also states that it is the responsibility of the local governing body to file a description of the ASA with the recorder of deeds office within 10 days of creation.
- iii. The steps that follow the recording include filing a description of the ASA with the local and county planning commissions (the description should also be sent to the county agricultural land preservation board, if one exists in the county), and sending notification to the Pennsylvania Secretary of Agriculture after the creation, modification, or termination of the ASA.

**21. If my property is enrolled in the Agricultural Security Area is it considered "preserved" through the state's Farmland Preservation Program?**

No. However, Agricultural Security Area designation is a prerequisite for applying to the Farmland Preservation Program. The Farmland Preservation Program allows the Commonwealth and counties to purchase permanent agricultural conservation easements on working farms. Pennsylvania leads the nation in this effort!

**22. If my property is enrolled in the Agricultural Security Area is it automatically eligible to receive preferential assessment on property taxes?**

No. Landowners must apply to the Clean and Green Program in order to receive an assessment based on use value rather than fair market value.

# **Agricultural Security Area Handbook**



## ***Chapter 7:*** **Forms and Samples**



# ASA CREATION PUBLIC NOTICE

(TOWNSHIP LETTERHEAD)

**TO:** Citizens of \_\_\_\_\_ Township, \_\_\_\_\_ County

**FROM:** \_\_\_\_\_, (title)  
\_\_\_\_\_ Township Board of Supervisors

**DATE:**

**RE:** Public notice for the creation of an Agricultural Security Area

This announcement will hereby serve to notify the citizens of \_\_\_\_\_ Township, \_\_\_\_\_ County, that the \_\_\_\_\_ Township Board of Supervisors has received a proposal for the creation of an Agricultural Security Area within \_\_\_\_\_ Township, pursuant to the Agricultural Area Security Law, Act 43 of 1981.

The aforementioned proposal is currently on file and available for public inspection at the \_\_\_\_\_ Township Municipal Office, (township municipal office address), between the hours of \_\_\_\_\_ and \_\_\_\_\_.

Any affected Municipality and any landowners who own land which is within, adjacent to, or near the area proposed to be included in the proposed Agricultural Security Area may propose changes to the proposed Agricultural Security Area within 15 days of the date this notice is published. Such proposed changes must be submitted to the \_\_\_\_\_ Township Office on or before (15 days from notice date).

Upon expiration of the aforementioned 15-day period, the proposed Agricultural Security Area and any proposed changes will be submitted to the \_\_\_\_\_ Township Planning Commission, the \_\_\_\_\_ County Planning Commission, and the \_\_\_\_\_ Township Agricultural Security Area Advisory Committee for review and recommendation. Thereafter, a public hearing will be held by the Township Supervisors to consider the Agricultural Security Area proposal, any proposed modifications and any recommendations from the Planning Commissions and the Agricultural Security Area Advisory Committee.

A copy of this notice is posted at the following public places:

- 1.
- 2.
- 3.
- 4.
- 5.

# ASA CREATION PUBLIC HEARING NOTICE

(TOWNSHIP LETTERHEAD)

**TO:** Citizens of \_\_\_\_\_ Township, \_\_\_\_\_ County

**FROM:** \_\_\_\_\_, (title)  
\_\_\_\_\_ Township Board of Supervisors

**DATE:**

**RE:** Public Hearing notice for the creation of an Agricultural Security Area

In accordance with the provisions of the "Agricultural Area Security Law" Act of June 30, 1981, P.L. 128, No. 43, (3 P.S. §§901-915) and all revisions to this statute, through Act 14 of 2001 (the "Act"), **NOTICE IS HEREBY GIVEN** that a Public Hearing will be held by the \_\_\_\_\_ Township Board of Supervisors on the \*\*\*insert date\*\*\* day of \*\*\* insert month \*\*\*\*, 20\_\_ at \_\_\_\_\_ p.m. at \*\*\* insert address \*\*\*\*.

The purpose of the Hearing is to review the creation of an Agricultural Security Area involving the proposals of the following owners, parcels, and acreage within \_\_\_\_\_ Township, \_\_\_\_\_ County, Pennsylvania.

**Name(s) of Owner(s)**

**Tax Parcel No.**

**No. of Acres/Parcels**

The \_\_\_\_\_ Township and \_\_\_\_\_ County Planning Commissions and the \_\_\_\_\_ Township Agricultural Security Area Advisory Committee have recommended approval of the above subject, proposed creation by the \_\_\_\_\_ Township Board of Supervisors. After reviewing and considering the subject agricultural security area creation proposal, the recommendations relative thereto of the \_\_\_\_\_ Township and \_\_\_\_\_ County Planning Commissions and the \_\_\_\_\_ Township Agricultural Security Area Advisory Committee, the factors set forth in Section 7 of the Act (3 P.S. §907), and any written or oral comment offered at the public hearing, the \_\_\_\_\_ Township Board of Supervisors may proceed, at the conclusion of the public hearing, to adopt the subject proposal or modification of the proposal the board deems appropriate.

The present notice has been published in accordance with the requirements of the Act of July 3, 1996, P.L. 388, No. 84, known as the "Sunshine Act." True and correct copies of the present notice have also been mailed to all landowners within the proposed agricultural security area.

A copy of this notice is posted at the following public places:

- 1.
- 2.
- 3.
- 4.
- 5.



**ASA CREATION PUBLIC HEARING NOTICE LETTER TO LANDOWNERS  
AND THOSE REQUESTING MODIFICATIONS**

\*\*\* Example letter notifying landowners about the public hearing for the proposed creation of an ASA. This letter and the legal notice of the hearing should be sent to all landowners in the proposed ASA and to all persons proposing modifications to the proposed ASA.

*(TOWNSHIP LETTERHEAD)*

**TO:** \_\_\_\_\_ Township  
Agricultural Security Area Landowners  
Individuals Proposing Modifications to the \_\_\_\_\_ Agricultural Security Area

**FROM:** \_\_\_\_\_, *(title)*  
\_\_\_\_\_ Township

**DATE:**

**RE:** Public Hearing notice for the creation of an Agricultural Security Area in  
\_\_\_\_\_ Township

In accordance with the requirements of the “Agricultural Area Security Law,” enclosed herewith is a copy of the above-referenced Public Hearing Notice. Please note that landowners are welcome, but are not required, to attend this public hearing. Anyone proposing modifications to the proposed Agricultural Security Area should attend the public hearing to state his/her reasons for the proposed modification.

Thank you for your interest and participation in this project.

**ASA CREATION DESCRIPTION LETTER FOR PLANNING COMMISSIONS**

*(TOWNSHIP LETTERHEAD)*

**TO:** \_\_\_\_\_ County Recorder of Deeds Office  
\_\_\_\_\_ Township Planning Commission  
\_\_\_\_\_ County Planning Commission  
\_\_\_\_\_ County Agricultural Land Preservation Board

**FROM:** \_\_\_\_\_, *(Title)*  
\_\_\_\_\_ Township Board of Supervisors

**DATE:**

**RE:** \_\_\_\_\_ Township Agricultural Security Area Description

In accordance with \_\_\_\_\_ Township Resolution \_\_\_\_\_ of \_\_\_\_\_, 20\_\_, the proposed Agricultural Security Area of \_\_\_\_\_ Township has been approved (*as modified*) as per the Resolution.

The Agricultural Security Area as approved includes the following owners, parcels, and acreage within \_\_\_\_\_ Township, \_\_\_\_\_ County, Pennsylvania:

<u>Name(s) of Owner(s)</u>	<u>Tax Parcel No.(s)</u>	<u>No. of Acres/Parcel</u>	<u>Book &amp; Page No.</u>
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## NOTARY PUBLIC LETTER

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF \_\_\_\_\_

On this (---insert date---), before me, a Notary Public in and for the said Commonwealth and County, personally appeared (---insert name---), known to me (or satisfactorily proven) to be the person whose name is subscribed to the within Certificate, and acknowledged that; (1) (---insert name---) executed the said Certificate for the purposes contained therein; (2) (---insert name---) is the duly appointed and incumbent Secretary of (---insert township name---) Township, (---insert county name---) County, Pennsylvania; (3) the attached description of (---insert township name---) Township, (---insert county name---) County, Pennsylvania Agricultural Security Area (the “Area”) is accurate and authentic; (4) the signatures appearing on the attached proposal for the creation of the Area are valid and authentic; and (5) the Area was properly created as provided by law by the attached Resolution of the (---insert township name---) Township Board of Supervisors.

In witness whereof, I hereto set my hand and official seal.

---

Notary Public

(SEAL)

**LETTER TO  
PENNSYLVANIA SECRETARY OF AGRICULTURE**

*(TOWNSHIP LETTERHEAD)*

Secretary \_\_\_\_\_  
Pennsylvania Department of Agriculture  
2301 North Cameron Street  
Harrisburg, PA 17110-9408

Secretary \_\_\_\_\_:

The Board of Supervisors of \_\_\_\_\_ Township, \_\_\_\_\_ County, Pennsylvania, in accordance with the Agricultural Security Law (3 P.S. Sections 901-915), do hereby inform you of the creation of the \_\_\_\_\_ Township Agricultural Security Area, adopted by resolution on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_. This agricultural security area contains a total of \_\_\_\_\_ acres under the ownership of (*---insert total number of parcels---*) landowners. This agricultural security area was recorded by the \_\_\_\_\_ County Recorder of Deeds on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, in Book Number \_\_\_\_\_, Page Number \_\_\_\_\_.

\_\_\_\_\_  
TOWNSHIP BOARD OF SUPERVISORS  
\_\_\_\_\_  
COUNTY, PENNSYLVANIA

*(---Signature of Township Official---)*

*(---Printed Name of Township Official---), (Title)*



# ASA ADDITION PUBLIC NOTICE

(TOWNSHIP LETTERHEAD)

**TO:** Citizens of \_\_\_\_\_ Township, \_\_\_\_\_ County

**FROM:** \_\_\_\_\_, (title)  
\_\_\_\_\_ Township Board of Supervisors

**DATE:**

**RE:** Public notice for an addition to an Agricultural Security Area

This announcement will hereby serve to notify the citizens of \_\_\_\_\_  
\_\_\_\_\_ Township, \_\_\_\_\_ County, that the \_\_\_\_\_  
\_\_\_\_\_ Township Board of Supervisors has received a proposal / proposals for  
addition(s) to the \_\_\_\_\_ Agricultural Security Area within  
\_\_\_\_\_ Township, pursuant to the Agricultural Area Security Law, Act 43 of 1981.

The aforementioned proposal(s) is currently on file and available for public inspection at the  
\_\_\_\_\_ Township Municipal Office, (township municipal office address) between the  
hours of \_\_\_\_\_ and \_\_\_\_\_.

Any affected Municipality and any landowners who own land which is within, adjacent to, or near the  
area(s) proposed to be included in the addition(s) to the above named Agricultural Security Area may  
propose changes to the proposed addition(s) within 15 days of the date this notice is published. Such  
proposed changes must be submitted to the \_\_\_\_\_ Township Office on or before (15 days  
from notice date).

Upon expiration of the aforementioned 15-day period, the proposed addition(s) to the above named  
Agricultural Security Area and any proposed changes will be submitted to the \_\_\_\_\_  
Township Planning Commission, the \_\_\_\_\_ County Planning  
Commission, and the \_\_\_\_\_ Township Agricultural Security Area  
Advisory Committee for review and recommendation. Thereafter, a public hearing will be held by the  
Township Supervisors to consider the \_\_\_\_\_ Agricultural Security Area  
addition proposal, any proposed modifications and any recommendations from the Planning Commissions  
and the Agricultural Security Area Advisory Committee.

A copy of this notice is posted at the following public locations:

- 1.
- 2.
- 3.
- 4.
- 5.

# ASA ADDITION PUBLIC HEARING NOTICE

(TOWNSHIP LETTERHEAD)

**TO:** Citizens of \_\_\_\_\_ Township, \_\_\_\_\_ County

**FROM:** \_\_\_\_\_, (title)  
\_\_\_\_\_ Township Board of Supervisors

**DATE:**

**RE:** Public Hearing notice for an addition to an Agricultural Security Area

In accordance with the provisions of the "Agricultural Area Security Law" Act of June 30, 1981, P.L. 128, No. 43, §2, and all revisions to this statute through Act 14 of 2001 (the "Act"), **NOTICE IS HEREBY GIVEN** that a Public Hearing will be held by the \_\_\_\_\_ Township Board of Supervisors on the \*\*\*insert date\*\*\* day of \*\*\* insert month \*\*\*\*, 20\_\_ at \_\_\_\_\_ p.m. at \*\*\* insert address \*\*\*\*.

The purpose of the Hearing is to review additions to the \*\*\*insert ASA name\*\*\* Agricultural Security Area involving the proposals of the following owners, parcels, and acreage within \_\_\_\_\_ Township, \_\_\_\_\_ County, Pennsylvania.

<u>Name(s) of Owner(s)</u>	<u>Tax Parcel No.</u>	<u>No. of Acres/Parcels to be added</u>
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The \_\_\_\_\_ Township and \_\_\_\_\_ County Planning Commissions and the \_\_\_\_\_ Township Agricultural Security Area Advisory Committee have recommended approval of the above subject, proposed additions by the \_\_\_\_\_ Township Board of Supervisors. After reviewing and considering the subject agricultural security area addition proposal, the recommendations regarding the proposal by the \_\_\_\_\_ Township and \_\_\_\_\_ County Planning Commissions and the \_\_\_\_\_ Township Agricultural Security Area Advisory Committee, the factors set forth in Section 7 of the Act (3 P.S. §907), and any written or oral comment offered at the public hearing, the \_\_\_\_\_ Township Board of Supervisors may proceed, at the conclusion of the public hearing, to adopt the subject proposal or modification of the proposal the board deems appropriate.

The present notice has been published in accordance with the requirements of the Act of July 3, 1996, P.L. 388, No. 84, known as the "Sunshine Act." True and correct copies of the present notice have also been mailed to all landowners within the proposed agricultural security area.

A copy of this notice is posted at the following public locations:

- 1.
- 2.
- 3.
- 4.
- 5.





\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ TOWNSHIP,  
COUNTY, PENNSYLVANIA  
TOWNSHIP BOARD OF SUPERVISORS

ATTEST:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Supervisor

*(seal)*

\*\*\*

**COMPLETED PROPOSAL FORM SHOULD FOLLOW THIS PAGE TO BE RECORDED!**

**ASA ADDITION DESCRIPTION LETTER FOR PLANNING COMMISSIONS**

*(TOWNSHIP LETTERHEAD)*

**TO:** \_\_\_\_\_ County Recorder of Deeds Office  
\_\_\_\_\_ Township Planning Commission  
\_\_\_\_\_ County Planning Commission  
\_\_\_\_\_ County Agricultural Land Preservation Board

**FROM:** \_\_\_\_\_, *(Title)*  
\_\_\_\_\_ Township Board of Supervisors

**DATE:**

**RE:** \_\_\_\_\_ Township Agricultural Security Area Description

In accordance with \_\_\_\_\_ Township Resolution \_\_\_\_\_ of \_\_\_\_\_,  
20\_\_, the Agricultural Security Area of \_\_\_\_\_ Township has been modified as per the  
Resolution.

The Agricultural Security Area as modified includes the following owners, parcels, and acreage within  
\_\_\_\_\_ Township, \_\_\_\_\_ County, Pennsylvania:

**Name(s) of Owner(s)      Tax Parcel No.(s)      No. of Acres/Parcel      Book & Page No.**

**(Properties Currently in ASA)**

**(Additions)**



**ASA REVIEW DESCRIPTION LETTER FOR PLANNING COMMISSIONS**

*(TOWNSHIP LETTERHEAD)*

**TO:** \_\_\_\_\_ County Recorder of Deeds Office  
\_\_\_\_\_ Township Planning Commission  
\_\_\_\_\_ County Planning Commission  
\_\_\_\_\_ County Agricultural Land Preservation Board

**FROM:** \_\_\_\_\_, *(Title)*  
\_\_\_\_\_ Township Board of Supervisors

**DATE:**

**RE:** \_\_\_\_\_ Township Agricultural Security Area Description

In accordance with \_\_\_\_\_ Township Resolution \_\_\_\_\_ of \_\_\_\_\_, 20\_\_, the proposed Agricultural Security Area of \_\_\_\_\_ Township has been reviewed.

The Agricultural Security Area, as reviewed and approved, includes the following owners, parcels, and acreage within \_\_\_\_\_ Township, \_\_\_\_\_ County, Pennsylvania:

<b><u>Name(s) of Owner(s)</u></b>	<b><u>Tax Parcel No.(s)</u></b>	<b><u>No. of Acres/Parcel</u></b>	<b><u>Book &amp; Page No.</u></b>
-----------------------------------	---------------------------------	-----------------------------------	-----------------------------------

**(Reviewed Properties)**

**(Additions)**

**(Deletions)**

**(Other Modifications)**

**LETTER OF REJECTION/MODIFICATION TO EACH LANDOWNER  
PROPOSING CREATION OF/ADDITION TO AN ASA**

*(TOWNSHIP LETTERHEAD)*

*(DATE)*

*(Landowner Name)*

*(Address)*

*(City, State, Zip)*

Dear \_\_\_\_\_,

Your property was proposed for *(inclusion into an Agricultural Security Area) / (the creation of an Agricultural Security Area)* in \_\_\_\_\_ Township. After fulfilling all of the requirements set forth in the Agricultural Area Security Act of 1981 (Act 43), the Township supervisors (rejected)/(modified) your proposal at the public hearing held on \_\_\_\_\_, 20\_\_.

**Finding of Fact** on Proposal:

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**Evaluation Criteria** (per § 907 of Act 43):

Soil Classification: \_\_\_\_\_

Compatibility with local comprehensive plans: \_\_\_\_\_

Inclusion of landowner's land, regardless of zoning: \_\_\_\_\_

Viability of agricultural land: \_\_\_\_\_

Consideration of farm improvements/anticipated trends: \_\_\_\_\_

Other: \_\_\_\_\_

The **reason(s)** for the rejection/modification of your proposal *(is)/(are)* as follows:

---

---

---

Thank you for your interest in this valuable program.

Sincerely,

\_\_\_\_\_, *(Title)*

\_\_\_\_\_ Township Board of Supervisors

# SEVEN YEAR REVIEW PUBLIC NOTICE

(TOWNSHIP LETTERHEAD)

**TO:** Citizens of \_\_\_\_\_ Township, \_\_\_\_\_ County

**FROM:** \_\_\_\_\_, (title)  
\_\_\_\_\_ Township Board of Supervisors

**DATE:**

**RE:** Public notice for the 7-year review of an Agricultural Security Area

This announcement will hereby serve to notify the citizens of \_\_\_\_\_ Township, \_\_\_\_\_ County, that the \_\_\_\_\_ Township Board of Supervisors will conduct a review of the \_\_\_\_\_ Agricultural Security Area within \_\_\_\_\_ Township, pursuant to the Agricultural Area Security Law, Act 43 of 1981.

The aforementioned ASA description is currently on file and available for public inspection at the \_\_\_\_\_ Township Municipal Office, (township municipal office address) between the hours of \_\_\_\_\_ and \_\_\_\_\_.

Any affected Municipality and any landowners who own land which is within, adjacent to, or near the area proposed to be continued in the agricultural security area may propose changes to the agricultural security area within 30 days of the date this notice is published. Such proposed changes must be submitted to the \_\_\_\_\_ Township Supervisors, the County and Township Planning Commissions, and the Township Agricultural Security Area Advisory Committee at the \_\_\_\_\_ Township Municipal Office on or before (30 days from notice date).

Upon expiration of the aforementioned 30-day period, the existing Agricultural Security Area and any proposed changes will be submitted to the \_\_\_\_\_ Township Planning Commission, the \_\_\_\_\_ County Planning Commission, and the \_\_\_\_\_ Township Agricultural Security Area Advisory Committee for review and recommendation. Thereafter, a public hearing will be held by the Township Supervisors to consider the continuation/proposed modifications and recommendations of the Planning Commissions and the Agricultural Security Area Advisory Committee.

A copy of this notice is posted at the following public places:

- 1.
- 2.
- 3.
- 4.
- 5.

# SEVEN YEAR REVIEW PUBLIC HEARING NOTICE

(TOWNSHIP LETTERHEAD)

**TO:** Citizens of \_\_\_\_\_ Township, \_\_\_\_\_ County

**FROM:** \_\_\_\_\_, (title)  
\_\_\_\_\_ Township Board of Supervisors

**DATE:**

**RE:** Public Hearing notice for the seven-year review of the \_\_\_\_\_  
Township Agricultural Security Area

In accordance with the provisions of the Agricultural Area Security Act of June 30, 1981, P.L. 128, No. 43, §2, and all revisions to this statute through Act 14 of 2001 (the "Act"), **NOTICE IS HEREBY GIVEN** that a Public Hearing will be held by the \_\_\_\_\_ Township Board of Supervisors on the \*\*\*insert date\*\*\* day of \*\*\*insert month \*\*\*, 20\_\_ at \_\_\_\_\_ p.m. at \*\*\* insert address \*\*\*.

The purpose of this Hearing is to fulfill the requirements for conducting a seven-year review of the \*\*\*insert ASA name\*\*\* Agricultural Security Area involving the proposals of the following owners, parcels, and acreage within \_\_\_\_\_ Township, \_\_\_\_\_ County, Pennsylvania.

<u>Name(s) of Owner(s)</u> (Modifications)	<u>Tax Parcel No.</u>	<u>No. of Acres/Parcels</u>
-----------------------------------------------	-----------------------	-----------------------------

(Additions)

(Deletions)

The \_\_\_\_\_ Township and \_\_\_\_\_ County Planning Commissions and the \_\_\_\_\_ Township Agricultural Security Area Advisory Committee have recommended approval of the above ASA by the \_\_\_\_\_ Township Board of Supervisors with proposed changes made as part of the seven-year review. After reviewing and considering the subject agricultural security area seven year review changes, the recommendations relative thereto of the \_\_\_\_\_ Township and \_\_\_\_\_ County Planning Commissions and the \_\_\_\_\_ Township Agricultural Security Area Advisory Committee, the factors set forth in Section 7 of the Act (3 P.S. §907), and any written or oral comment offered at the public hearing, the \_\_\_\_\_ Township Board of Supervisors may proceed, at the conclusion of the public hearing, to adopt this proposal or modification of the proposal the board deems appropriate.

The present notice has been published in accordance with the requirements of the Act of July 3, 1996, P.L. 388, No. 84, known as the "Sunshine Act." True and correct copies of the present notice have also been mailed to all landowners within the proposed agricultural security area.

A copy of this notice is posted at the following public locations:

- 1.
- 2.
- 3.
- 4.
- 5.

# SEVEN YEAR REVIEW LETTER TO LANDOWNERS

(TOWNSHIP LETTERHEAD)

(DATE)

(Landowner Name)

(Address)

(City, State, Zip)

Dear \_\_\_\_\_,

Your property is listed in an ASA (Agricultural Security Area) in \_\_\_\_\_ Township. As required by the Agricultural Area Security law, ASAs must be reviewed every seven years at which time any needed updates to the ASA may be made. It is time for the Township to review the ASA and make any modifications that are necessary.

**Please complete and return the bottom of this form by \_\_\_\_\_ (date) \_\_\_\_\_ to indicate your decision to remain in the ASA or to be removed from it.**

**If there have been any changes to your property such as a change in ownership or an increase or decrease in size, please notify the township in writing.**

If you know of anyone interested in joining an ASA, please have him or her contact the township as soon as possible.

Thank you,

\_\_\_\_\_, (title)  
\_\_\_\_\_ Township

-----  
 YES, I wish to remain in the \_\_\_\_\_ Township Agricultural Security Area.

No, Please remove my property, tax parcel number(s) \_\_\_\_\_, from the \_\_\_\_\_ Township Agricultural Security Area.

\_\_\_\_\_  
Landowner Name(s)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Landowner Signature(s)

Please complete this form by \_\_\_\_\_ (date) \_\_\_\_\_ and return it to:

\_\_\_\_\_, (title)  
\_\_\_\_\_ Township  
(mailing address)  
(city, state, zip code)



# SEVEN YEAR REVIEW PUBLIC HEARING LETTER TO LANDOWNERS AND THOSE REQUESTING MODIFICATIONS

\*\*\* Example letter notifying landowners about the public hearing for an ASA Seven Year Review. This letter and the legal notice of the hearing should be sent to all landowners in the ASA and to all persons proposing modifications to the ASA.

(TOWNSHIP LETTERHEAD)

**TO:** \_\_\_\_\_ Township Agricultural Security Area Landowners  
Individuals Proposing Modifications to the \_\_\_\_\_ Agricultural Security Area

**FROM:** \_\_\_\_\_, (title)  
\_\_\_\_\_ Township

**DATE:**

**SUBJECT:** Public Hearing Notice for the Seven-Year Review of the \_\_\_\_\_ Township  
Agricultural Security Area

In accordance with the requirements of the "Agricultural Area Security Law," a copy of the above-referenced Public Hearing Notice is enclosed herewith. Please note that landowners are welcome, but are not required, to attend such public hearing. Anyone proposing modifications to the Agricultural Security Area should attend the public hearing to state their reasons for the proposed modifications.

Thank you for your interest and participation in this project.

# REQUEST BY TOWNSHIP FOR INTERIM REVIEW LETTER

(TOWNSHIP LETTERHEAD)

**TO:** \_\_\_\_\_ Township Planning Commission  
\_\_\_\_\_ County Planning Commission  
\_\_\_\_\_ Township Agricultural Security Area Advisory Committee

**FROM:** \_\_\_\_\_, (Title)  
\_\_\_\_\_ Township Board of Supervisors

**DATE:**

**RE:** Interim Review of \_\_\_\_\_ Township Agricultural Security Area

Pursuant to §909(b) of the Agricultural Area Security Law (Act of June 30, 1981, P.L. 128, No. 43) which states that a local governing body may request an interim review of an agricultural security area if 10% of the land within the ASA is diverted to residential or nonagricultural commercial development, the \_\_\_\_\_ Township Board of Supervisors hereby requests such review of the \_\_\_\_\_ Township Agricultural Security Area.

The Board of Supervisors asks that the \_\_\_\_\_ Township and \_\_\_\_\_ County Planning Commissions and the \_\_\_\_\_ Township Agricultural Security Area Advisory Committee review the ASA and make recommendations to the township office within 30 days of this request. Upon receipt of the recommendations, a public hearing will be held to determine the future of the ASA.

# SECRETARY OF TOWNSHIP NOTARIZATION LETTER

## CERTIFICATE

I, the undersigned, the duly appointed and incumbent Secretary of \_\_\_\_\_ Township, \_\_\_\_\_ County, Pennsylvania (the "Township"), hereby certify that: The foregoing is a true and correct copy of a Resolution of the \_\_\_\_\_ Township Board of Supervisors (the "Supervisors"), which was duly adopted by unanimous vote of the Supervisors in a public session duly convened on \_\_\_\_\_. The said Resolution has been duly recorded in the official Minutes of \_\_\_\_\_ Township, \_\_\_\_\_ County, Pennsylvania. The said Resolution remains in effect, unaltered and unamended, as of the date of this Certificate.

I further certify that the Supervisors of the Township complied with the requirements of the "Sunshine Act," Act of July 3, 1986, P.L. 388, No. 84, § 1 et seq. (65 P.S. § 271-286) as amended, relative to the adoption of the foregoing Resolution.

IN WITNESS THEREOF, I have hereunto set my hand and affixed the official seal of the Township, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_, Secretary  
\_\_\_\_\_ Township \_\_\_\_\_ County, Pennsylvania

**NOTE:** A COPY OF THE RESOLUTION MUST BE ATTACHED TO THIS LETTER WHEN SUBMITTING IT TO THE NOTARY'S OFFICE.

# **Agricultural Security Area Handbook**



***Section 8.1:***

**Act 43**

**Agricultural Area Security  
Law**

# UNOFFICIAL COPY: AGRICULTURAL AREA SECURITY LAW

The following is an unofficial copy of the Agricultural Area Security Law (Act of June 30, 1981, P.L. 128, No. 43)(3 P.S. §§ 901-915). The document reflects all revisions to this statute, through Act 19 of 2013 (effective June 24, 2013). The document is "unofficial" because it has been retyped. Any discrepancies between this document and the official statute shall be resolved in favor of the official statute. This document has been prepared by the Pennsylvania Department of Agriculture, Bureau of Farmland Preservation.

Act 19 of 2013 also abrogates the regulatory provisions at 7 Pa. Code § 138e.202(a), (b), (c) and (e).

Section numbers refer to the corresponding section in Title 3 of Purdon's Statutes. For example: "Section 913" refers to 3 P.S. § 913.

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## CHAPTER 14A

### AGRICULTURAL SECURITY AREA

**Section**

- 901. Short Title.
- 902. Statement of legislative findings.
- 903. Definitions.
- 904. Agricultural Security Area Advisory Committee.
- 905. Agricultural security areas.
- 906. Public hearings.
- 907. Evaluation criteria
- 908. Decision on proposed area.
- 909. Review of area
- 910. Appeals
- 911. Limitation on local regulations.
- 912. Policy of Commonwealth agencies

**Section**

- 913. Limitation on certain governmental actions.
- 914. Repealed.
- 914.1 Purchase of agricultural conservation easements.
- 914.2 Agricultural conservation easement purchase fund.
- 914.3 Commonwealth indebtedness.
- 914.4. Legislative report.

914.5 Supplemental Agricultural  
Conservation Easement Purchase  
Program

915. Rules and regulations.

### **§ 901. Short Title**

This act shall be known and may be cited as the “Agricultural Area Security Law.”  
1981, June 30, P.L. 128. No 43, § 1, effective in 60 days.

### **§ 902. Statement of legislative findings**

It is the declared policy of the Commonwealth to conserve and protect and to encourage the development and improvement of its agricultural lands for the production of food and other agricultural products. It is also the declared policy of the Commonwealth to conserve and protect agricultural lands as valued natural and ecological resources which provide needed open spaces for clean air, as well as for aesthetic purposes. Article VIII, section 2 of the Constitution of Pennsylvania provides that the General Assembly may, by law, establish standards and qualification for agricultural reserves. Agriculture in many parts of the Commonwealth is under urban pressure from expanding metropolitan areas. This urban pressure takes the form of scattered development in wide belts around urban areas, and brings conflicting land uses into juxtaposition, creates high costs for public services, and stimulates land speculation. When this scattered development extends into good farm areas, ordinances inhibiting farming tend to follow, farm taxes rise, and hopes for speculative gains discourage investments in farm improvements. Many of the agricultural lands in the Commonwealth are in jeopardy of being lost for any agricultural purposes. Certain of these lands constitute unique and irreplaceable land resources of Statewide importance. It is the purpose of this act to provide the means by which agricultural land may be protected and enhanced as a viable segment of the Commonwealth’s economy and as an economic and environmental resource of major importance.

It is further the purpose of this act to:

- (1) Encourage landowners to make a long-term commitment to agriculture by offering them financial incentives and security of land use.
- (2) Protect farming operations in agricultural security areas from incompatible nonfarm land uses that may render farming impracticable.
- (3) Assure permanent conservation of productive agricultural lands in order to protect the agricultural economy of this Commonwealth.
- (4) Provide compensation to landowners in exchange for their relinquishment of the right to develop their private property.
- (5) Leverage State agricultural easement purchase funds and protect the investment of taxpayers in agricultural conservation easements.

(6) Encourage financial partnerships between State and local governments with nonprofit entities in order to increase the funds available for agricultural conservation easement purchases.<sup>1</sup>

### § 903. Definitions

The following words and phrases when used in this act shall have the meanings given to them in this section, unless the context clearly indicates otherwise:

**“Advisory Committee.”** An Agricultural Security Area Advisory Committee.

**“Agricultural conservation easement.”** An interest in land, less than fee simple, which interest represents the right to prevent the development or improvement of a parcel for any purpose other than agricultural production. The easement may be granted by the owner of the fee simple to any third party or to the Commonwealth, to a county governing body or to a unit of local government. It shall be granted in perpetuity as the equivalent of covenants running with the land. The exercise or failure to exercise any right granted by the easement shall not be deemed to be management or control of activities at the site for purposes of enforcement of the act of October 18, 1988 (P.L. 756, No. 108), known as the “Hazardous Sites Cleanup Act.”<sup>2</sup>

**“Agricultural production.”** The production for commercial purposes of crops, livestock and livestock products, including the processing or retail marketing of such crops, livestock or livestock products if more than 50% of such processed or merchandised products are produced by the farm operator. The term includes use of land which is devoted to and meets the requirements of and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the Federal Government.

**“Agricultural Security Area.”** A unit of 250 or more acres of land used for the agricultural production of crops, livestock and livestock products under the ownership of one or more persons and designated as such by the procedures set forth in this act or designated as such pursuant to the act of January 19, 1968 (1967 P.L. 992, No. 442), entitled “An act authorizing the Commonwealth of Pennsylvania and the counties thereof to preserve, acquire or hold land for open space uses,”<sup>3</sup> prior to the effective date of this amendatory act, by the governing body of the county or governing body of the municipality in which such agricultural land is located on the basis of criteria and

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<sup>1</sup> Act 46 of 2006 made certain provisions applicable to ACEs acquired prior to the May 15, 2006 effective date of that Act. This provision is one of them. Section 7 of Act reads in its entirety as follows:

Section 7. The amendment or addition of the following provisions shall apply to an agricultural conservation easement jointly recorded with a recorder of deeds of this Commonwealth by an "eligible nonprofit entity," as defined in section 3 of the act, and a county or with the Commonwealth prior to or on the effective date of this section:

- (1) The addition of section 2(6) of the act.
- (2) The addition of the definition of "eligible nonprofit entity" in section 3 of the act.
- (3) The following provisions of section 14.1 of the act:
  - (i) Subsection (a)(3)(vi) and (viii).
  - (ii) Subsection (b)(2)(i)(B) and (C), (xi) and (xii).
  - (iii) The introductory paragraph of subsection (b.1).
  - (iv) Subsection (b.2).

<sup>2</sup> 35 P.S. § 6020.101 *et seq.*

<sup>3</sup> 32 P.S. § 5001 *et seq.*

procedures which predate the effective date of this amendatory act: Provided, That an owner of the land designated as such under the authority of the act of January 19, 1968 (1967 P.L. 992, No. 442) may withdraw such land from an agricultural security area by providing written notice of withdrawal to the county governing body or governing body of the municipality in which such land is located within 180 days of the effective date of this amendatory act.

**“Commercial equine activity.”** The term includes the following activities where a fee is collected:

- (1) The boarding of equines.
- (2) The training of equines.
- (3) The instruction of people in handling, driving or riding equines.
- (4) The use of equines for riding or driving purposes.
- (5) The pasturing of equines.

The term does not include activity licensed under the act of December 17, 1981 (P.L. 435, No 135), known as the “Race Horse Industry Reform Act.”

**“Contiguous acreage.”** All portions of one operational unit as described in the deed, whether or not the portions are divided by streams, public roads, bridges or railroads and whether or not described as multiple tax parcels, tracts, purparts or other property identifiers. The term includes supportive lands, such as unpaved field access roads, drainage areas, border strips, hedgerows, submerged lands, marshes, ponds and streams.<sup>4</sup>

**“County board.”** The County Agricultural Land Preservation Board.

**“County governing body.”** The county board of commissioners or other designated council of representatives under home rule charters.

**“County planning commission.”** A planning commission or agency which has been designated by the county governing body to establish and foster a comprehensive plan for land management and development within the county.

**“Crops, livestock and livestock products.”** Include but are not limited to:

- (1) Field crops, including corn, wheat, oats, rye, barley, hay, potatoes and dry beans.
- (2) Fruits, including apples, peaches, grapes, cherries and berries.
- (3) Vegetables, including tomatoes, snap beans, cabbage, carrots, beets, onions and mushrooms.
- (4) Horticultural specialties, including nursery stock ornamental shrubs, ornamental trees and flowers.
- (5) Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, furbearing animals, milk, eggs and furs.
- (6) Timber, wood and other wood products derived from trees.
- (7) Aquatic plants and animals and their byproducts.

**“Crops unique to the area.”** Include, but are not limited to, crops which historically have been grown or have been grown within the last five years in the region and which are used for agricultural production in the region.

**“Department.”** The Department of Agriculture of the Commonwealth.

**“Description of the proposed area.”** A complete and accurate list of the name or names of the owner or owners of each parcel of land to be included in the proposed agricultural security area, the tax parcel number or account number of each parcel and the number or account number of acres (including partial acres, to the nearest thousandth)

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<sup>4</sup> This definition was added by Act 44 of 2011, and took effect July 7, 2011.



contained in each parcel. Such description shall use county tax map references for determining boundaries of each parcel, and no survey of parcels shall be required, except when an individual parcel included in the agricultural security area shall represent less than the entire amount of contiguous land contained in the property of an owner.

**“Eligible counties.”** Counties whose easement purchase programs have been approved by the State Agricultural Land Preservation Board. For the purpose of annual allocations, an eligible county must have its easement purchase program approved by the State Agricultural Land Preservation Board by January 1 of the year in which the annual allocation is made. Counties of the first class are not eligible under any circumstances.

**“Eligible nonprofit entity.”** An entity that provides the State board or an eligible county satisfactory proof of all of the following:

(1) That the entity is tax exempt under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)).

(2) That the entity has experience acquiring, whether through purchase, donation or other transfer, an agricultural or other conservation easement.<sup>5</sup>

**“Farmland value.”** The price as of the valuation date for property used for normal farming operations which a willing and informed seller who is not obligated to sell would accept for the property, and which a willing and informed buyer who is not obligated to buy would pay for the property.

**“Fiscal year.”** Fiscal year of the Commonwealth.

**“Fund.”** The Agricultural Conservation Easement Purchase Fund established by the act of May 13, 1988 (P.L. 398, No. 64), entitled “An act amending the act of June 18, 1982 (P.L. 549, No. 159), entitled ‘An act providing for the administration of certain Commonwealth farmland within the Department of Agriculture,’ providing for the disposition of proceeds from the sale of certain land, equipment or facilities.”<sup>6</sup>

**“Governing body.”** The governing body of a local government unit.

**“Immediate family member.”** A brother, sister, son, daughter, stepson, stepdaughter, grandson, granddaughter, father or mother of the landowner.

**“Joint ownership.”** Joint tenancy in an agricultural conservation easement purchase as the interests of the parties appear.

**“Local government unit.”** Any city, borough, township or town or any home rule municipality, optional plan municipality, optional charter municipality or similar general purpose unit of government which may be created or authorized by statute.

**“Market value.”** The price as of the valuation date for the highest and best use of the property which a willing and informed seller who is not obligated to sell would accept for the property, and which a willing and informed buyer who is not obligated to buy would pay for the property.

**“Normal farming operations.”** The customary and generally accepted activities, practices, and procedures that farmers adopt, use, or engage in year after year in the production and preparation for market of crops, livestock, and livestock products and in the production and harvesting of agricultural, agronomic, horticultural, silvicultural, and aquacultural crops and commodities. The term includes the storage and utilization of agricultural and food processing wastes for animal feed and the disposal of manure, other agricultural waste and food processing waste on land where the materials will improve

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<sup>5</sup> See footnote 1.

<sup>6</sup> 3 P.S. § 1201 *et seq.*

the condition of the soil or the growth of crops or will aid in the restoration of the land for the same purposes.

**"Parcel."** A tract of land in its entirety which is assessed for tax purposes by one county including any portion of that tract that may be located in a neighboring county. The county responsible for assessing an entire tract, on its own or either in conjunction with either the Commonwealth or a local government unit, or both, shall be eligible to purchase agricultural conservation easements covering the entire tract.

**"Planning commission."** A local government planning commission or agency which has been designated by the governing body of the local government unit to establish and foster a comprehensive plan for land management and development within the local government unit.

**"Secretary."** The Secretary of Agriculture of the Commonwealth.

**"State board."** The State Agricultural Land Preservation Board.

**"Viable agricultural land."** Land suitable for agricultural production and which will continue to be economically feasible for such use if real estate taxes, farm use restrictions, and speculative activities are limited to levels approximating those in commercial agricultural areas not influenced by the proximity of urban and related nonagricultural development.

#### **§ 904. Agricultural Security Area Advisory Committee**

The governing body of any local government may establish an Agricultural Security Area Advisory Committee which shall consist of three active farmers, each representing a different private or corporate farm, and one citizen residing within the unit of local government and one member of the governing body of such local government, who shall serve as the chairman of the committee. Such a committee shall be established when a proposal is received by the governing body for the creation of an agricultural security area. Pursuant to this act the members of such committee shall be appointed by and shall serve at the pleasure of the chairman of the governing body. The members shall serve without salary, but the governing body may entitle each such member to reimbursement for his actual and necessary expenses incurred in the performance of his official duties. Such committee shall advise the governing body and work with the planning commission in relation to the proposed establishment, modification, and termination of agricultural security areas. In particular, the committee shall render expert advice relating to the desirability of such action, including advice as to the nature of farming and farm resources within the proposed area and the relation of farming in such area to the local government unit as a whole.

#### **§ 905. Agricultural security areas**

**(a) Proposals for creation.**—Any owner or owners of land used for agricultural production or of viable agricultural land a portion of which is used for commercial equine activity may submit a proposal to the governing body for the creation of an agricultural

security area within such local government unit, provided that such owner or owners own at least 250 acres of viable agricultural land proposed to be included in the area. The proposed area may also consist of any number of noncontiguous tax parcels or accounts: Provided, That each tax parcel or account is at least ten acres or has an anticipated yearly gross income of at least \$2,000 from the agricultural production of crops, livestock and livestock products on such parcel or account.

**(a.1) Submitting the proposal.**—Such proposal for creation of an agricultural security area shall be submitted in such a manner and form as may be prescribed by the governing body of the local government unit wherein the proposed area is situated and shall include a description of the proposed area, including the boundaries thereof. Such proposal to the governing body shall be submitted by certified mail with return receipt requested. The return receipt shall serve as notice of the official receipt of the proposal by the governing body and shall verify the official submission date.

**(a.2) Proposals for agricultural security areas in more than one local government unit.**—

(1) Except as provided in paragraph (2), if the land included in a proposal for an agricultural security area is situated in more than one local government unit, the following shall apply:

(i) The proposal shall be submitted to, and approval of the proposal shall be sought from, the governing body of each such local government unit affected.

(ii) The governing bodies may cooperate in the review of a proposed agricultural security area and may provide joint public notices, a joint agricultural security area advisory committee and a joint public hearing on the security area.

(iii) A rejection by a governing body shall exclude that portion of the proposal which is situated within the local government unit. However, such rejection shall not preclude the approval of the remaining portion of the proposal, including land subject to paragraph (2), as an agricultural security area by the governing body of the other affected local government units, provided that the total acreage approved is at least 250 acres and that such approved portion meets all other requirements imposed under this act for agricultural security areas.

(2) Automatic inclusion shall be as follows:

(i) All land which is part of a parcel of farmland included in the proposal and transected by the dividing line between two local government units shall automatically become part of the agricultural security area if:

(A) the majority of the viable agricultural land of the parcel is located within the proposed agricultural security area; and

(B) the local government unit in which the minority of the viable agricultural land of the parcel is located has not approved an agricultural security area.

(ii) The governing body which approves the agricultural security area containing the land under subparagraph (i)(A) is responsible for recording, filing and notification under section 8 for the land added under this paragraph.

**(a.3) Fees.**—Except as provided in this subsection, a governing body shall not require landowners included in a proposed agricultural security area to pay any fees in connection with the application for or the review of agricultural security areas as required in this section and sections 6, 7, 8 and 9.<sup>7</sup> A governing body may by resolution impose reasonable filing fees in connection with the administration and review of an agricultural security area application that proposes to include substantially the same lands as proposed in a previously submitted application that the governing body had rejected within the last 36 months based on the recommendations of the Agricultural Security Area Advisory Committee and the planning commission.

**(b) Notice.**—Upon the receipt of such a proposal, the governing body shall acknowledge receipt of the proposal at the next regular or special meeting and shall thereupon provide notice of such proposal by publishing a notice in a newspaper having general circulation within the proposed agricultural security area and by posting such notice in five conspicuous places within, adjacent or near to the proposed area. If the governing body fails to provide the required notice within 15 days of receiving a proposal as provided in this subsection, a person who is adversely affected by this inaction may bring an action in mandamus to complete compliance. The notice shall contain the following information:

(1) A statement that a proposal for an agricultural security area has been filed with the governing body pursuant to this act.

(2) A statement that the proposal will be on file open to public inspection in the office of the local government unit.

(3) A statement that any local government unit encompassing or adjacent to the proposed area, or any landowner who owns the land proposed to be included within the proposed area, or any landowner with lands adjacent or near the proposed area who wishes such lands to be included or not included therein, may propose modifications of the proposed area in such form and manner as may be prescribed by the governing body. The statement shall indicate that objections to the proposal, and proposed modifications to the proposal must be filed with the governing body and the planning commission within 15 days of the date of publication of the notice.

(4) A statement that at the termination of the 15-day period under paragraph (3), the proposal and proposed modifications will be submitted to the planning commission and the advisory committee, and that thereafter a public hearing will be held on the proposal, proposed modifications and recommendations of the planning commission and advisory committee.

**(c) Modification proposals.**—The governing body shall receive any proposals for modifications of such proposal which may be submitted by such landowners or local government units up to seven days prior to advertisement of public hearing as provided in section 6(a).

**(d) Report by planning commission.**—

(1) For a planning commission which is not a county planning commission, the following shall apply:

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<sup>7</sup> 3 P.S. §§ 906, 907, 908 and 909.

(i) The governing body shall, upon the termination of the 15-day period provided in subsection (b)(3), refer such proposal and proposed modifications to the planning commission.

(ii) The planning commission shall have up to 45 days to review the proposal and proposed modifications and report to the governing body the potential effect of such proposal and proposed modifications upon the local government's planning policies and objectives.

(iii) The failure of the planning commission to submit a report within 45 days shall be deemed to constitute approval of the proposed agricultural security area by the planning commission.

(2) For a county planning commission, the following shall apply:

(i) The governing body shall, upon the termination of the 15-day period provided in subsection (b)(3), refer such proposal and proposed modifications to the county planning commission.

(ii) The county planning commission shall have up to 45 days to review the proposal and proposed modifications and report to the governing body its recommendations concerning the proposal and proposed modifications.

(iii) The failure of the county planning commission to submit a report within 45 days shall be deemed to constitute approval of the proposed agricultural security area by the county planning commission.

**(e) Referral to advisory committee.**—The governing body shall also, upon the termination of such 15-day period, refer such proposal and proposed modifications to the Agricultural Security Area Advisory Committee. The committee shall have up to 45 days to review the proposal and proposed modifications and report to the governing body its recommendations concerning the proposal and proposed modifications. The failure of the advisory committee to submit a report within 45 days shall be deemed to constitute approval of the proposed agricultural security area by the advisory committee.

## § 906. Public hearings

**(a) Hearings.**—The governing body shall hold a public hearing relative to the proposed agricultural security area upon receipt of the reports from the advisory committee and the planning commission or upon expiration of the 45-day period as provided in section 5.<sup>8</sup>

**(b) Place of hearing.**—The hearing shall be held at a place within the proposed area or otherwise readily accessible to the proposed area, such as a municipal building.

**(c) Notice of hearing.**—Pursuant to the act of July 3, 1986 (P.L. 388, No. 84), known as the “Sunshine Act,”<sup>9</sup> a hearing notice shall be published in a newspaper having a general circulation within the proposed area. In addition, notice shall be given in writing to those landowners who proposed modifications pursuant to section 5(c) or whose land is included in proposed modifications, and to all landowners within the proposed

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<sup>8</sup> 3 P.S. § 905.

<sup>9</sup> 65 P.S. § 271 *et seq.*

agricultural security area. Notice also shall be given by posting such notice in five conspicuous places within, adjacent or near to the proposed area. Such notice shall contain the following information:

- (1) A statement of the time, date and place of the public hearing.
- (2) A description of the proposed area, any proposed additions or deletions and any recommendations of the planning commission or advisory committee.
- (3) A statement that the public hearing will be held concerning:
  - (i) The original proposal.
  - (ii) Any written amendments proposed during the review period.
  - (iii) Any recommendations proposed by the Agricultural Security Area Advisory Committee and the planning commission.

### **§ 907. Evaluation criteria**

**(a) Factors to be considered.**—The following factors shall be considered by the planning commission, advisory committee, and at any public hearing:

(1) Land proposed for inclusion in an agricultural security area shall have soils which are conducive to agriculture. This factor will have been satisfied without further consideration if at least 50% in the aggregate of the land to be included in an agricultural security area falls into one of the following categories: land whose soils are classified in Soil Conservation Service Capability Classes I through IV, excepting IV(e); land which falls within the Soil Conservation Service classification of “unique farm land”; or land whose soils do not meet Capability Classes I through IV but which is currently in active farm use and is being maintained in accordance with the soil erosion and sedimentation plan applicable to such land.

(2) Use of land proposed for inclusion in an agricultural security area shall be compatible with local government unit comprehensive plans. Any zoning shall permit agricultural use but need not exclude other uses.

(3) The landowner may propose to include all of his land, regardless of zoning, in an agricultural security area.

(4) The land proposed for inclusion in the agricultural security area, and any additions which are proposed subsequently, shall be viable agricultural land.

(5) Additional factors to be considered are the extent and nature of farm improvements, anticipated trends in agricultural economic and technological conditions and any other matter which may be relevant.

**(b) Resource Materials.**—In considering the viability factors as set forth in this section, various resource materials shall be used, including, but not limited to, the following:

- (1) Soil surveys of the Pennsylvania State University.
- (2) Soil surveys and other information provided by the National Cooperative Soils Survey.
- (3) Soil survey maps prepared by the United States Soils Conservation Service.
- (4) The United State census of agricultural categories of land use classes.
- (5) Any other relevant published data, maps, charts, or results of soil or land use

surveys made by any county, State, or Federal agency.

### **§ 908. Decision on proposed area**

**(a) Action by governing body.**—The governing body, upon completion of the procedures and considerations prescribed in sections 5, 6, and 7,<sup>10</sup> may adopt the proposal or any modification of the proposal the governing body deems appropriate, including the inclusion, to the extent feasible, of adjacent viable farm lands if the land owner has made application to be included, and the exclusion, to the extent feasible, of nonviable farm land and nonfarm land. The existence of utility facilities on the proposed area shall not prevent the adoption of such area as an agricultural security area nor shall the rights of utilities with respect to the existing facilities be disturbed or affected by such adoption. The governing body shall act to adopt or reject the proposal, or any modification, no later than 180 days from the date the proposal was originally submitted. Failure by the governing body to act within this 180-day period shall be deemed adoption of the proposal without modification.

**(b) Notification by governing body of reasons for rejection.**—Within ten days of the governing body's decision to reject or modify the proposal, the governing body shall submit to the owner or owners of the land a written decision stating why the proposal was not adopted or was modified. The written decision shall include a finding of fact, review of the evaluation criteria prescribed in section 7<sup>11</sup> and a discussion of reasons for rejection or modification of the proposal.

**(c) Effective date of creation of area.**—An agricultural security area shall become effective upon the adoption of the proposal or its modification by the governing body or upon expiration of the 180-day period as provided in subsection (a). If the proposal has included land situated in more than one local government unit, the agricultural security area shall become effective upon adoption by the local government unit or units of such portion of the proposal or proposed modifications as will meet the minimum acreage and other requirements of an agricultural security area provided in this act. Subsequent adoption of the remaining portion shall immediately effectuate such portion as an agricultural security area.

**(d) Filing of area description.**—Within ten days of the creation of an agricultural security area, a description thereof shall be filed by the governing body with the recorder of deeds, who shall record the description, and with the planning commissions of the county and of the local government unit. Recording shall be done in a manner which is sufficient to give notice to all persons who have, may acquire or may seek to acquire an interest in land in or adjacent to the created agricultural security area. Upon the failure of the governing body to file a description or recorder of deeds to record the created agricultural security area in accordance with the time or manner requirements prescribed

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<sup>10</sup> 3 P.S. §§ 905, 906 and 907.

<sup>11</sup> 3 P.S. § 907.

in this subsection, any person adversely affected may file a petition with the court of common pleas to compel immediate compliance with the provisions of this subsection.

**(e) Participation.**—Participation in the agricultural security area shall be available on a voluntary basis to landowners within the jurisdiction of the governing body including those not among the original petitioners. The deletion of land in the agricultural security area shall only occur after seven years or whenever the agricultural security area is subject to review by the governing body.

**(f) Additions of land to agricultural security area during the seven-year period.**—The addition of land to the agricultural security area may occur at any time during the seven-year period provided for in section 9.<sup>12</sup> Land may be added to an existing agricultural security area located entirely outside the local government unit in which the proposed land is located: Provided That, prior to the submission of the proposal, the local government unit in which the proposed land is located and each local government unit in which the existing agricultural security area is located have adopted an ordinance or resolution allowing all land to be part of an individual agricultural security area located or to be located in all such local government units. Any proposal for such addition, and for approval or disapproval thereof, shall follow all the procedures and requirements of sections 5, 6 and 7<sup>13</sup> and this section for proposal, consideration and decision as to approval or disapproval of the original agricultural security area except that there shall be no requirement that any proposal for such addition include at least 250 acres of viable agricultural land. If the land comprising the additional proposal could be added to more than one existing agricultural security area, or shall lie in more than one local government unit, the proposal shall be considered as an addition to the agricultural security area which was first approved. Land added to an existing agricultural security area during any seven-year period shall be reviewed at the same time as all other land in the agricultural security area.

**(g) Notification to secretary.**—Within ten days of the recording of the agricultural security area, the governing body shall notify the Secretary of Agriculture that the area has been approved and recorded, modified or terminated. Such notification shall be in writing and shall include the number of landowners, the total acreage of the area, the date of approval by the governing body and the date of recording. The notification shall include only one landowner when land is under multiple ownership or is comprised of multiple parcels or accounts.

## § 909. Review of area

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<sup>12</sup> 3 P.S. § 909.

<sup>13</sup> 3 P.S. §§ 905, 906 and 907.



**(a) Review by governing body.**—The governing body shall review any area created under section 8<sup>14</sup> seven years after the date of its creation and every seven years thereafter. In conducting such review, the governing body shall ask for the recommendations of the planning commission, the county planning commission and the advisory committee, and shall, at least 120 days prior to the end of the seventh year and not more than 180 days prior to the such date, hold a public hearing at a place within the area or otherwise readily accessible to the area. Prior to the commencement of such review, notice thereof shall be given by publication in a newspaper having a general circulation with the area, by notice posted in five conspicuous places within, adjacent to or near the area and by notice, in writing, to all persons owning land within the area that the agricultural security area will be reviewed in accordance with law. All such notices shall be given 30 days before the commencement of such review. Persons wishing to modify the area shall submit proposed modifications within 30 days of the date of such notices. Thereafter, in conducting such review the governing bodies shall follow all the procedures and requirements of sections 5, 6, 7 and 8<sup>15</sup> for the consideration of the agricultural security area and proposed modifications thereto. Within ten days of its action of termination or modification, the governing body shall file a notice of termination or modification with the recorder of deeds, who shall record such notice in such manner and place as has been provided in the original recording of the agricultural security area. The governing body shall also file a notice of termination or modification with the planning commissions of the county and of the local government unit. If the governing body does not act, or if a modification of an area is rejected, the area shall be deemed to be readopted without modification for another seven years.

**(b) Interim review.**—If, within the seven-year period, 10% of the land within the agricultural security area is diverted to residential or nonagricultural commercial development, the governing body may review the diversion and may request, in writing, that the local and county planning commissions and the agricultural security area advisory committee study its review and make recommendations within 30 days of the written request. The governing body shall thereupon conduct a public hearing, after providing the same notice as that which is required under section 6(c).<sup>16</sup> The hearing shall be held no sooner than 45 days after the governing body has submitted written requests for review and recommendation to the planning commissions and advisory committee. The governing body then may terminate or modify the agricultural security area.

## § 910. Appeals

Any party in interest aggrieved by a decision or action of the governing body relating to the creation, composition, modification, rejection or termination of an agricultural area may take an appeal to the court of common pleas, in the manner provided by law within 30 days after such decision or action.

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<sup>14</sup> 3 P.S. § 908.

<sup>15</sup> 3 P.S. §§ 905, 906, 907 and 908.

<sup>16</sup> 3 P.S. § 906(c).

## **§ 911. Limitation on local regulations**

**(a) General rule.**—Every municipality or political subdivision within which an agricultural security area is created shall encourage the continuity, development and viability of agriculture within such an area by not enacting local laws or ordinances which would unreasonably restrict farm structures or farm practices within the area in contravention of the purposes of this act unless such restrictions or regulations bear a direct relationship to the public health or safety.

**(b) Public nuisance.**—Any municipal or political subdivision law or ordinance defining or prohibiting a public nuisance shall exclude from the definition of such nuisance any agricultural activity or operation conducted using normal farming operations within an agricultural security area as permitted by this act if such agricultural activity or operation does not bear a direct relationship to the public health and safety.

## **§ 912. Policy of Commonwealth agencies**

It shall be the policy of all Commonwealth agencies to encourage the maintenance of viable farming in agricultural security areas and their administrative regulations and procedures shall be modified to this end insofar as is consistent with the promotion of public health and safety, with the provisions of any Federal statutes, standards, criteria, rules, regulations, or policies, and any other requirements of Federal agencies, including provisions applicable only to obtaining Federal grants, loans, or other funding.

## **§ 913. Limitation on certain governmental actions**

**(a) Approval required for condemnation and for certain other actions by an agency of the Commonwealth.**—No agency of the Commonwealth having or exercising powers of eminent domain shall condemn for any purpose any land within any agricultural security area which land is being used for productive agricultural purposes (not including the growing of timber) unless prior approval has been obtained in accordance with the criteria and procedures established in this section from the Agricultural Lands Condemnation Approval Board as established in section 306 of the act of April 9, 1929 (P.L. 177, No. 175), known as “The Administrative Code of 1929.”<sup>17</sup> The condemnation approval specified by this subsection shall not be required for an underground public utility facility that does not permanently impact the tilling of soil<sup>18</sup> or for any facility of an electric cooperative corporation or for any public utility facility the necessity for and the propriety and environmental effects of which has been reviewed and ratified or approved by the Pennsylvania Public Utility Commission or the Federal Energy Regulatory Commission. In addition, all State-funded development

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<sup>17</sup> 71 P.S. § 106.

<sup>18</sup> The phrase “that does not permanently impact the tilling of soil” was added by Act 46 of 2006.

projects which might affect land in established agricultural security areas shall be reviewed by the appropriate local agricultural advisory committee and by the Agricultural Lands Condemnation Approval Board. Each reviewing body may suggest any modification to the State-funded development projects which ensures the integrity of the agricultural security areas against non-farm encroachment.

**(b) Approval required for condemnation by a political subdivision, authority, public utility or other body.**—No political subdivision, authority, public utility or other body having or exercising powers of eminent domain shall condemn any land within any agricultural security area for any purpose, unless prior approval has been obtained from Agricultural Lands Condemnation Approval Board and from each of the following bodies: the governing bodies of the local government units encompassing the agricultural security area, the county governing body, and the Agricultural Security Area Advisory Committee. Review by the Agricultural Lands Condemnation Approval Board and the other indicated bodies shall be in accordance with the criteria and procedures established in this section. The condemnation approvals specified by this subsection shall not be required for an underground public utility facility that does not permanently impact the tilling of soil<sup>19</sup> or for any facility of an electric cooperative corporation or for any public utility facility the necessity for and the propriety and environmental effects of which has been reviewed and ratified or approved by the Pennsylvania Public Utility Commission or the Federal Energy Regulatory Commission, regardless of whether the right to establish and maintain such underground or other public utility facility is obtained by condemnation, or by agreement with the owner.

**(c) Notice.**—Any condemner wishing to condemn property the approval for which is required under this section shall at least 30 days prior to taking such action notify each of the foregoing bodies that such action is contemplated, and no such condemnation shall be effective until 60 days following the receipt of such notice.

**(d) Review by Agricultural Lands Condemnation Approval Board and other bodies.**—

(1) Upon receipt of such notice the Agricultural Lands Condemnation Approval Board and the bodies provided for in subsection (b) jointly shall review the proposed condemnation in accordance with the applicable criteria established in paragraph (2).

(2)

(i) In the case of condemnation for highway purposes (but not including activities relating to existing highways such as, but not limited to, widening roadways, the elimination of curves or reconstruction, for which no approval is required) and in the case of condemnation for the disposal of solid or liquid waste material, the Agricultural Lands Condemnation Approval Board or other appropriate reviewing body shall approve the proposed condemnation only if it determines there is no reasonable and prudent alternative to the utilization of the land within the agricultural security area for the project.

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<sup>19</sup>The phrase “that does not permanently impact the tilling of soil” was added by Act 46 of 2006.

(ii) In all other cases not otherwise specifically provided for, the Agricultural Lands Condemnation Approval Board or other appropriate reviewing body shall approve the proposed condemnation only if it determines that:

(A) the proposed condemnation would not have an unreasonably adverse affect upon the preservation and enhancement of agriculture or municipal resources within the area or upon the environmental and comprehensive plans of the county, municipality and the Commonwealth, or upon the goals, resource plans, policies or objectives thereof; or

(B) there is no reasonable and prudent alternative to the utilization of the lands within the agricultural security area for the project.

**(e) Public hearings.**—Within such 60-day period the Agricultural Lands Condemnation Approval Board and other indicated bodies, as appropriate, shall hold a public hearing concerning the proposed condemnation at a place within or otherwise readily accessible to the area. Timely notice of such hearing shall be placed in a newspaper having a general circulation within the area and a written notice shall be posted at five conspicuous places within or adjacent to the area. Individual written notice shall also be given to all local government units encompassing all or part of the area, to the proposed condemnor, and to the owners of the land proposed to be condemned.

**(f) Findings and decisions.**—The Agricultural Lands Condemnation Approval Board and other indicated bodies, as appropriate, shall render findings and decisions on or before the expiration of such 60-day period and likewise within such period shall report the same to the proposed condemnor, the local government units affected and any party who files an appearance at such hearing. If the Agricultural Lands Condemnation Approval Board or any other indicated body fails to act within the 60-day period, the condemnation shall be deemed approved.

**(g) Injunctions.**—The Agricultural Lands Condemnation Approval Board may request the Attorney General or the bodies may request their solicitor to bring an action to enjoin any such condemnor from violating any of the provisions of this section.

**(h) Emergencies excepted.**—This section shall not apply to any emergency project which is immediately necessary for the protection of life or property.

#### **§ 914.1. Purchase of agricultural conservation easements**

**(a) State Agricultural Land Preservation Board.**—The Department of Agriculture and the State Agricultural Land Preservation Board shall administer pursuant to this section a program for the purchase of agricultural conservation easements by the Commonwealth.

(1) There is established within the Department of Agriculture as a departmental board the State Agricultural Land Preservation Board. The State board shall consist of 17 members.

(i) There shall be eight<sup>20</sup> voting ex officio members of the State board: the Secretary of Agriculture, who shall serve as the board chairman; the Secretary of Community and Economic Development, or his designee;<sup>21</sup> the Secretary of Environmental Protection, or his designee; the Chairman and the Minority Chairman of the House Agriculture and Rural Affairs Committee, or their designees; the Chairman and the Minority Chairman of the Senate Agriculture and Rural Affairs Committee, or their designees; and the Dean of the College of Agricultural Sciences of The Pennsylvania State University, or his designee.

(ii) Five<sup>22</sup> members shall be appointed by the Governor. One member shall be a current member of the governing body of a county, one member shall be a person who is recognized as having significant knowledge in agricultural fiscal and financial matters, one member shall be an active resident farmer of this Commonwealth, one member shall be a residential, commercial or industrial building contractor, and one member shall be a current member of a governing body. Initially, two members shall be appointed for a term of four years, two members shall be appointed for a term of three years and one member shall be appointed for a term of two years. Thereafter, the terms of all members appointed herein shall be four years. The term of a person appointed to replace another member whose term has not expired shall be only the unexpired portion of that term. Members may be reappointed to successive terms.

(iii) One member each shall be appointed by the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President pro tempore of the Senate and the Minority Leader of the Senate, who shall, at the time of appointment, be resident farm owners and operators of at least one commercial farm in this Commonwealth. The initial term of the appointee of the President pro tempore of the Senate shall be four years, the initial term of the appointee of the Speaker of the House of Representatives shall be three years, the initial term of the appointee of the Minority Leader of the Senate shall be two years and the initial term of the appointee of the Minority Leader of the House of Representatives shall be one year. Thereafter, the terms of all appointees shall be four years. An appointment made to fill an unexpired term shall be only for the

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<sup>20</sup> There are actually **seven (7) ex officio members**, per Act 58 of 1996, as described in the next footnote.

<sup>21</sup> This seat was originally for the “Secretary of Community Affairs, or designee.”

**Act 58 of 1996** (effective June 27, 1996) changed the name of the Department of Commerce to the Department of Community and Economic Development, transferred functions of the Department of Community Affairs, and restructured membership and participation of that agency on a number of boards and commissions. Section 1108 of that bill (at 71 P.S. Section 1709.1108) reads as follows:

**§ 1709.1108. Membership on the State Agricultural Land Preservation Board**

In place of the membership of the Secretary of Community Affairs on the State Agricultural Land Preservation Board under section 14.1 of the act of June 30, 1981 (P.L. 128, No. 43), known as the Agricultural Area Security Law, the Governor shall make an additional appointment under section 14.1(a)(1)(ii) of the Agricultural Area Security Law.

Later, Act 138 of 1998 made “editorial changes” to this provision – among them – changing the reference to “Secretary of Community Affairs, or designee” to “Secretary of Community and Economic Development, or designee.”

<sup>22</sup> There are actually **six (6) members appointed by the Governor**, per Act 58 of 1996, described in the preceding footnote.

duration of the unexpired term. Members may be reappointed to successive terms.

(2) Nine members shall constitute a quorum for purposes of conducting meetings and official actions pursuant to authority given to the State board under this act.

(3) It shall be the duty and responsibility of the State board to exercise the following powers:

(i) To adopt rules and regulations pursuant to this act: Provided, That the board shall have the power and authority to promulgate, adopt, publish and use guidelines for the implementation of this act until September 30, 1990, or the effective date of final rules and regulations, whichever first occurs, pending adoption of final rules and regulations. Guidelines proposed under the authority of this section shall be subject to review by the General Counsel and the Attorney General in the manner provided for the review of proposed rules and regulations pursuant to the act of October 15, 1980 (P.L. 950, No. 164)<sup>23</sup>, known as the “Commonwealth Attorneys Act,” but shall not be subject to review pursuant to the act of June 25, 1982 (P.L. 633, No. 181)<sup>24</sup>, known as the “Regulatory Review Act.”

(ii) To adopt rules of procedure and bylaws governing the operations of the State board and the conduct of its meetings.

(iii) To review, and accept or reject, the recommendation made by a county board for the purchase of an agricultural conservation easement by the Commonwealth.

(iv) To execute agreements to purchase agricultural conservation easements in the name of the Commonwealth if recommended by a county and approved by the State board as provided in subparagraph (iii).

(v) To purchase in the name of the Commonwealth agricultural conservation easements if recommended by a county and approved by the State board as provided in subparagraph (iii).

(vi) To purchase agricultural conservation easements jointly with a county, or jointly with a county and a local government unit, or jointly with a county and an eligible nonprofit entity, or jointly with a county, a local government unit and an eligible nonprofit entity, if recommended by a county and approved by the State board as provided in subparagraph (iii).<sup>25</sup>

(vii) To allocate State moneys among counties for the purchase of agricultural conservation easements, in accordance with provisions of subsection (g).

(viii) To establish and maintain a central repository of records which shall contain records of county programs for purchasing agricultural conservation easements, records of agricultural conservation easements purchased by local government units, by local government units and counties, by local government units and the Commonwealth, by eligible nonprofit entities in accordance with subsection (b.2), and records of agricultural conservation easements purchased by the Commonwealth. All records indicating the purchase of agricultural

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<sup>23</sup> 71 P.S. § 732-101 *et seq.*

<sup>24</sup> 71 P.S. § 745.1 *et seq.*

<sup>25</sup> See footnote 1.

conservation easements shall refer to and describe the farm land subject to the agricultural conservation easement.<sup>26</sup>

(ix) To record agricultural conservation easements purchased by the Commonwealth or jointly owned, in the office of the recorder of deeds of the county wherein the agricultural conservation easements are located.

(x) To establish and publish the standards, criteria and requirements necessary for State board approval of county programs for purchasing agricultural conservation easements.

(xi) To review and certify and approve, or disapprove, county programs for purchasing agricultural conservation easements.

(xii) To exercise other discretionary powers as may be necessary and appropriate for the exercise and performance of its duties, powers and responsibilities under this act.

(xiii) To determine an annual easement purchase threshold.

(xiv) To review and approve or disapprove for recertification each county program for the purchase of agricultural conservation easements.

(xv) To authorize the development of a guidebook defining all technical elements necessary for a complete application for purchase of an agricultural conservation easement. Such guidebook shall include model formats of the specific components of applications. Guidebooks shall be distributed to every county with an approved program for purchasing agricultural conservation easements.

(4) The State board is authorized to:

(i) Take the actions necessary to qualify for Federal guarantees and interest rate assistance for agricultural easement purchase loans under Chapter 2 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624, 104 Stat. 3616).

(ii) Segregate from the Agricultural Conservation Easement Purchase Fund, into a Farms for the Future Trust Fund, funds necessary to qualify for the maximum amount of funding made available under the Federal act. There shall be deposited in this trust fund, and are appropriated for the purposes of this act, any interest rate assistance subsidies provided by participation in the Federal program. The State board is authorized to deposit interest accruing on moneys in the trust fund, in excess of the amounts needed to satisfy interest payments, in the Agricultural Conservation Easement Purchase Fund.

**(b) County programs.**—After the establishment of an agricultural security area by the governing body, the county governing body may authorize a program to be administered by the county board for purchasing agricultural conservation easements from landowners whose land is either within an agricultural security area or in compliance with the criteria set forth in paragraph (2)(i).

(1) The county board shall be composed of five, seven or nine members appointed by the county governing body. The chairman of the county governing body shall designate annually one member of the county board to serve as chairman of the county board. County board members shall be appointed from among the following groups: the number

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<sup>26</sup> See footnote 1.

of farmers shall constitute one less than a majority of the board; one member shall be a current member of the governing body of a township or borough located within the county; one member shall be a commercial, industrial or residential building contractor; and the other members shall be selected at the pleasure of the county governing body. The county board membership of the member of the governing body of a township or borough located within the county shall be deemed vacant upon vacancy in, or the expiration of the term of, the township or borough office to which the member was elected. The term of the initial farmer appointees shall be three years, the initial term of the current member of the governing body of a township or borough shall be two years and the initial term of all other members shall be one year. Thereafter, the term of all members shall be three years.

(2) It shall be the duty and responsibility of the county board to exercise the following powers:

(i)

(A) To adopt rules and regulations for the administration of a county program for the purchase of agricultural conservation easements in accordance with the provisions of this act, including, but not limited to, rules and regulations governing the submission of applications by landowners, establishing standards and procedures for the appraisal of property eligible for purchase as an agricultural conservation easement, establishing minimum criteria for eligibility of viable agricultural land a portion of which is used for commercial equine activity and establishing standards and procedures for the selection or purchase of agricultural conservation easements.

(A.1) Prior to exercising authority under subsection (b.2), to include in such rules and regulations, standards and procedures for the participation with eligible nonprofit entities in the purchase of agricultural conservation easements as described in subsection (b.2).

(B) To include in such rules and regulations, standards and procedures for the selection or purchase of agricultural conservation easements, in accordance with subsection (b.2), by the county solely, or jointly with the Commonwealth, a local government unit, an eligible nonprofit entity, or any combination of these, on that portion of a parcel which is not within an agricultural security area if all of the following criteria are complied with: <sup>27</sup>

(I) The land is part of a parcel of farm land which is bisected by the dividing line between two local government units.

(II) The majority of the farm's viable agricultural land is located within an existing agricultural security area. Upon purchase of an easement covering the portion of the parcel which is not located within an agricultural security area, that portion of the parcel shall immediately become part of the previously established agricultural security area which contains a majority of the farm's viable agricultural land. The governing body which created the agricultural security area which contains a majority of the farm's

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<sup>27</sup> See footnote 1.



viable agricultural land shall be responsible for the recording, filing and notification outlined in section 8(d) and (g)<sup>28</sup> concerning land added to the agricultural security area pursuant to this clause.

(C) To include in such rules and regulations, standards and procedures for the selection or purchase of agricultural conservation easements, in accordance with subsection (b.2), by the county solely or jointly with the Commonwealth, a local government unit, an eligible nonprofit entity, or any combination of these, on that portion of a parcel located in an adjoining county if all of the following criteria are complied with:<sup>29</sup>

(I) The land is part of a parcel of farm land which is bisected by the dividing line between the purchasing county and the adjoining county.

(II) Either a mansion house is located on that portion of the parcel which is within the purchasing county or the dividing line between the counties bisects the mansion house and the owner of the parcel has chosen the purchasing county as the situs of assessment for tax purposes, or, if there is no mansion house on the parcel, the majority of the farm's viable agricultural land is located in the purchasing county.

(III) The portion of the parcel located within the purchasing county is within an agricultural security area. Upon purchase of an easement by the purchasing county covering that portion of the parcel located in an adjoining county, the portion of the parcel located in the adjoining county shall immediately become part of the agricultural security area previously established in the purchasing county. The governing body which created the agricultural security area in the purchasing county shall be responsible for the recording, filing and notification outlined in section 8(d) and (g)<sup>30</sup> concerning land added to the agricultural security area pursuant to this clause.

(ii) To adopt rules of procedure and bylaws governing the operation of the county board and the conduct of its meetings.

(iii) To execute agreements to purchase agricultural conservation easements in the name of the county.

(iv) To purchase in the name of the county agricultural conservation easements either within agricultural security areas or pursuant to the criteria set forth in subparagraph (i).

(v) To use moneys appropriated by the county governing body from the county general fund to hire staff and administer the county program.

(vi) To use moneys appropriated by the county governing body from the county general fund or the proceeds of indebtedness incurred by the county and approved by the county governing body for the purchase of agricultural conservation

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<sup>28</sup> 3 P.S. § 908(d) and (g).

<sup>29</sup> See footnote 1.

<sup>30</sup> 3 P.S. § 908(d) and (g).

easements either within agricultural security areas or pursuant to the criteria set forth in subparagraph (i).

(vii) To establish and maintain a repository of records of farm lands which are subject to agricultural conservation easements purchased by the county.

(viii) To record agricultural conservation easements purchased by the county in the office of the recorder of deeds of the county wherein the agricultural conservation easements are located and to submit to the State board a certified copy of agricultural conservation easements within 30 days after recording. The county board shall attach to all certified copies of the agricultural conservation easements submitted to the State board a description of the farm land subject to the agricultural conservation easements.

(ix) To submit to the State board for review the initial county program and any proposed revisions to approved county programs for purchasing agricultural conservation easements.

(x) To recommend to the State board for purchase by the Commonwealth agricultural conservation easements within agricultural security areas located within the county.

(xi) To recommend to the State board the purchase of agricultural conservation easements by the Commonwealth and the county jointly, or jointly by the Commonwealth, the county and a local government unit, or jointly by the Commonwealth, the county and an eligible nonprofit entity, or jointly by the Commonwealth, the county, a local government unit and an eligible nonprofit entity.<sup>31</sup>

(xii) To purchase agricultural conservation easements jointly with the Commonwealth, or jointly by the Commonwealth, the county and a local government unit, or jointly by the Commonwealth, the county and an eligible nonprofit entity, or jointly by the Commonwealth, the county, a local government unit and an eligible nonprofit entity.<sup>32</sup>

(xiii) To exercise other powers which are necessary and appropriate for the exercise and performance of its duties, powers and responsibilities under this act.

(xiv) To submit to the State board applications for agricultural conservation easements in accordance with the guidebook authorized under subsection (a)(3)(xv).

(xv) To exercise primary enforcement responsibility with respect to the following:

(A) Agricultural conservation easements within the county.

(B) Agricultural conservation easements acquired pursuant to the criteria set forth in subparagraph (i), including any portion of such an agricultural conservation easement extending into an adjoining county.

(xvi) Notwithstanding any other permitted or required use of accrued interest distributed in accordance with section 8(b.1) and (b.2) of the act of December 19, 1974 (P.L.973, No.319), known as the "Pennsylvania Farmland and Forest Land Assessment Act of 1974," to use any portion of that accrued interest in the following manner:

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<sup>31</sup> See footnote 1.

<sup>32</sup> See footnote 1.

(A) To develop conservation plans.

(B) To monitor and enforce agricultural conservation easements, including the payment of legal costs associated with defending an agricultural conservation easement.

(xvii) To inspect all agricultural conservation easements within the county on at least a biennial basis to determine compliance with the applicable deed of easement. The following shall apply to inspections:

(A) The first inspection shall be completed within one year of the date of easement sale.

(B) A landowner shall be notified of an inspection and the inspection shall be conducted on a date and time agreeable to the county and the landowner.

(C) Within ten days of conducting an inspection, the county board shall prepare a written inspection report, which shall be provided to the landowner. If a violation is discovered, the report shall be provided to the landowner by certified mail.

(D) The county board and the State board may inspect the restricted land, jointly or severally, without prior notice if there is reasonable cause to believe that any provision of the deed of easement has been or is being violated.<sup>33</sup>

(3) The county may incur debt pursuant to the act of July 12, 1972 (P.L. 781, No. 185), known as the "Local Government Unit Debt Act,"<sup>34</sup> for the purchase of agricultural conservation easements.

(4) County programs for the purchase of agricultural conservation easements originally approved by the State board on or before December 31, 1994, shall be reviewed by the State board and approved or disapproved for recertification by December 31, 1996, and every seventh year thereafter. County programs for the purchase of agricultural conservation easements originally approved by the State board after December 31, 1994, shall be reviewed by the State board and approved or disapproved for recertification by December 31 of the seventh year after the date of original approval and every seventh year thereafter. On or before December 31, 1995, and the end of such other seven-year periods thereafter, the county board shall submit to the State board any proposed revisions to the county program for the purchase of agricultural conservation easements. County programs subject to State board review and recertification under this paragraph shall be approved or disapproved in accordance with the requirements of subsection (d), provided that the State board shall give priority to determining that county programs are in compliance with applicable provisions of law, regulations and guidelines. After December 31, 1996, and the end of such other seven-year periods, the State board shall not approve a county board's recommendation to purchase until the county program has been approved for recertification, provided that the State board may postpone the deadline for recertification of any county's program by up to 12 months and, during such period of postponement, may approve a county board's recommendation to purchase.

(5) The governing body of the county may authorize the establishment of a program for the purchase of agricultural conservation easements on an installment or other

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<sup>33</sup> This subparagraph was added by Act 19 of 2013, effective June 24, 2013.

<sup>34</sup> 53 P.S. § 6780-1 *et seq.*

deferred basis. The obligation of the county to make payment on an installment or other deferred basis shall not be subject to the requirements of section 602(b) or (c) of the “Local Government Unit Debt Act.”<sup>35</sup>

**(b.1) Local government unit participation.**—Any local government unit that has created an agricultural security area may participate along with an eligible county and the Commonwealth, and an eligible nonprofit entity, in the preservation of farmland through the purchase of agricultural conservation easements.<sup>36</sup>

(1) The local government unit, in conjunction with a county board, may participate with the State board in the purchase of agricultural conservation easements.

(2) The local government unit shall recommend to the county board the purchase of agricultural conservation easements by the eligible county and the local government unit as joint ownership.

(3) The local government unit shall recommend to the county board the purchase of agricultural conservation easements by the local government unit and the Commonwealth as joint ownership.

(4) The local government unit may purchase an agricultural conservation easement, provided that all of the following apply:

(i) The agricultural conservation easement is located within an agricultural security area of at least 500 acres or the easement purchase is a joint purchase with either a county or both a county and the Commonwealth pursuant to the criteria set forth in subsection (b)(2)(i).

(ii) The deed of agricultural conservation easement is at least as restrictive as the deed of the agricultural conservation easement prescribed by the State board for agricultural conservation easements purchased by the Commonwealth.

(iii) The local government unit shall participate with the county board in complying with paragraph (5) for recording any agricultural conservation easement purchased by the local government unit.

(5) The county board shall be responsible to record agricultural conservation easements where a local government unit is a party to the purchase of the easement. The easement shall be recorded by the county board in the office of the recorder of deeds of the county wherein the agricultural conservation easements are located. The county board shall submit to the State board a certified copy of agricultural conservation easements within 30 days after recording. The county board shall attach to all certified copies of the agricultural conservation easements submitted to the State board a description of the farmland subject to the agricultural conservation easements.

(6) The local government unit may incur debt pursuant to 53 Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and borrowing) for the purchase of agricultural conservation easements.

**(b.2) Eligible nonprofit entity participation.**--An eligible nonprofit entity may participate along with an eligible county, the Commonwealth and a local government unit eligible to participate under subsection (b.1), in the preservation of farmland through the purchase of agricultural conservation easements.

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<sup>35</sup> 53 P.S. § 6780-252(b) or (c).

<sup>36</sup> See footnote 1.

(1) The eligible nonprofit entity may purchase an agricultural conservation easement if all of the following apply:

(i) The agricultural conservation easement is a joint purchase with the county, and may include the Commonwealth or a local government unit, or both.

(ii) The deed of agricultural conservation easement is as prescribed by the State board for agricultural conservation easements purchased by the Commonwealth.

(2) The county board shall be responsible to record agricultural conservation easements where an eligible nonprofit entity is a party to the purchase of the easement. The easement shall be recorded by the county board in the office of the recorder of deeds of the county wherein the agricultural conservation easements are located. The county board shall submit to the State board a certified copy of agricultural conservation easements within 30 days after recording. The county board shall attach to all certified copies of the agricultural conservation easements submitted to the State board a description of the farmland subject to the agricultural conservation easements. <sup>37</sup>

**(c) Restrictions and limitations.**—An agricultural conservation easement shall be subject to the following terms, conditions, restrictions and limitations.

(1) The term of an agricultural conservation easement shall be perpetual.

(2) [Reserved]<sup>38</sup>

(3) [Reserved]

(4) Instruments and documents for the purchase, sale and conveyance of agricultural conservation easements shall be approved by the State board or the county board, as the case may be, prior to execution and delivery. Proper releases from mortgage holders and lienholders must be obtained and executed to insure that all agricultural conservation easements are purchased free and clear of all encumbrances.

(5) Whenever any public entity, authority or political subdivision exercises the power of eminent domain and condemns land subject to an agricultural conservation easement,

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<sup>37</sup> See footnote 1.

<sup>38</sup> Act 44 of 2011 deleted the following paragraphs, effective as of September 5, 2011 (60 days from the date Act 44 of 2011 was signed by the Governor):

(2) Unless otherwise authorized in accordance with subsection (i), an agricultural conservation easement shall not be sold, conveyed, extinguished, leased, encumbered or restricted in whole or in part for a period of 25 years beginning on the date of purchase of the easement.

(3) Unless otherwise authorized in accordance with subsection (i), if the land subject to the agricultural conservation easement is no longer viable agricultural land, the Commonwealth, subject to the approval of the State board, and the county, subject to the approval of the county board, may sell, convey, extinguish, lease, encumber or restrict an agricultural conservation easement to the current owner of record of the farmland subject to the easement after the expiration of 25 years from the date of purchase of the easement for a purchase price equal to the value at the time of resale determined pursuant to subsection (f) at the time of conveyance. A conveyance by the Commonwealth pursuant to this subsection shall not be subject to the requirements of article XXIV-A of the act of April 9, 1929 (P.L. 177, No. 175), known as “The Administrative Code of 1929.”<sup>38</sup> The purchase price shall be payable to the Commonwealth and the county as their respective legal interests in the agricultural conservation easement appear, and a separate payment shall be made to the Commonwealth and the county accordingly at the time of settlement. Any payment received by the Commonwealth pursuant to this provision shall be paid into the fund.

the condemnor shall provide just compensation to the owner of the land in fee and to the owner of the easement as follows:

(i) The owner of the land in fee shall be paid the full value which would have been payable to the owner but for the existence of an agricultural conservation easement less the value of the agricultural conservation easement at the time of condemnation.

(ii) The owner of the easement shall be paid the value of the easement at the time of condemnation.

(iii) For easements owned jointly by the Commonwealth and an eligible county, if the eligible county commits its share of funds received under this paragraph toward the purchase of agricultural conservation easements, the condemnor shall provide the Commonwealth's share of funds to the eligible county for use in purchasing agricultural conservation easements in accordance with this act.

(iv) For easements owned by the Commonwealth, the condemnor shall provide the Commonwealth's share of funds received under this paragraph to the eligible county for use in purchasing agricultural conservation easements in accordance with this act.

(v) Funds received by an eligible county under this paragraph shall not be considered matching funds under subsection (h).

(vi) If an eligible county which receives funds under this paragraph fails to spend the Commonwealth's share of funds within two years of receipt of the funds, the eligible county shall pay the Commonwealth the Commonwealth's share of funds received under this paragraph plus 6% simple interest. These funds shall be deposited into the Agricultural Conservation Easement Purchase Fund.

(6) An agricultural conservation easement shall not prevent:

(i) The granting of leases, assignments or other conveyances or the issuing of permits, licenses or other authorization for the exploration, development, storage or removal of coal or noncoal minerals<sup>39</sup> by underground mining methods, oil and gas by the owner of the subject land or the owner of the underlying coal or noncoal minerals by underground mining methods, oil and gas or the owner of the rights to develop the underlying coal or noncoal minerals by underground mining methods, oil and gas, or the development of appurtenant facilities related to the removal of coal or noncoal minerals by underground mining methods, oil or gas development or activities incident to the removal or development of such minerals.

(ii) The granting of rights-of-way by the owner of the subject land in and through the land for the installation of, transportation of, or use of water, sewage, electric, telephone, coal or noncoal minerals by underground mining methods, gas, oil or oil products lines.

(iii) Construction and use of structures on the subject land necessary for agricultural production or a commercial equine activity.

(iv) Construction and use of structures on the subject land for the landowner's principal residence or for the purpose of providing necessary housing for seasonal or full-time employees: Provided, That only one such structure may be

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<sup>39</sup> The phrase "or noncoal minerals" was added to this subparagraph and subparagraph (ii) by Act 44 of 2011, effective July 7, 2011.

constructed on no more than two acres of the subject land during the term of the agricultural conservation easement.

(v) Customary part-time or off-season minor or rural enterprises and activities which are provided for in the county Agricultural Conservation Easement Purchase Program approved by the State board under subsection (d).

(vi) Commercial equine activity on the subject land.

(7) Land subject to an agricultural conservation easement shall not be subdivided for any purpose which may harm the economic viability of the farmland for agricultural production. Land may be subdivided prior to the granting of an agricultural conservation easement, provided that subdividing will not harm the economic viability for agricultural production of the land subject to the easement.

(8) Nothing in this act shall prohibit a member of the State board or county board or his or her family from selling a conservation easement under this program, provided that all decisions made regarding easement purchases be subject to the provisions of section 3(j) of the act of October 4, 1978 (P.L. 883, No. 170), referred to as the Public Official and Employee Ethics Law.<sup>40</sup>

**(d) Program approval.—**

(1) The standards, criteria and requirements established by the State board for State board approval of county programs for purchasing agricultural conservation easements shall include, but not be limited to, the extent to which the county programs consider and address the following:

(i) The quality of the farmlands subject to the proposed easements, including soil classification and soil productivity ratings. Farmland considered should include soils which do not have the highest soil classifications and soil productivity ratings but which are conducive to producing crops unique to the area.

(ii) The likelihood that the farmlands would be converted to nonagricultural use unless subject to an agricultural conservation easement. Areas in the county devoted primarily to agricultural use where development is occurring or is likely to occur in the next 20 years should be identified. For purposes of considering the likelihood of conversion, the existence of a zoning classification of the land shall not be relevant, but the market for nonfarm use or development of farmlands shall be relevant.

(ii.1) Proximity of the farmlands subject to proposed easements to other agricultural parcels in the county which are subject to agricultural conservation easements.

(iii) The stewardship of the land and use of conservation practices and best land management practices, including, but not limited to, soil erosion and sedimentation control, as required by the act of June 22, 1937 (P.L.1987, No.394), known as "The Clean Streams Law," and nutrient and odor management as may be required by 3 Pa.C.S. Ch. 5 (relating to nutrient and odor management). A conservation plan shall only be required to be updated when a change in land management practice takes place or when a violation of "The Clean Streams Law" occurs.

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<sup>40</sup> 65 P.S. § 403(j).

(iv) Fair, equitable, objective and nondiscriminatory procedures for determining purchase priorities.

(v)

(I) Provisions requiring a farmland tract to be contiguous acreage of at least 50 acres in size unless the tract is at least ten acres in size and is either utilized for a crop unique to the area or is contiguous to property which has a perpetual conservation easement in place held by a "qualified organization," as defined in section 170(h)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 170(h)(3)).

(II) A county may require a farmland tract to be contiguous acreage of at least 35 acres in size unless the tract is at least ten acres in size and is either utilized for a crop unique to the area or is contiguous to a property which has a perpetual conservation easement in place held by a "qualified conservation organization," as defined in section 170(h)(3) of the Internal Revenue Code of 1986. If a county implements the provisions of this subclause, State funds used for the purchase of an agricultural conservation easement less than 50 acres in size may include costs incidental to the purchase and shall not exceed 50% of the purchase price per acre, unless it is at least ten acres in size and is either utilized for a crop unique to the area or is contiguous to a property which has a perpetual conservation easement in place held by a "qualified conservation organization," as defined in section 170(h)(3) of the Internal Revenue Code of 1986. A county program shall require a minimum weighted value of 20% for prioritizing applications for agricultural conservation easement purchase when implementing the provisions of paragraph (ii.1).

(2) The State board shall act on a county's program for purchasing agricultural conservation easements within 60 days of its receipt, and shall notify immediately the county in writing of approval or disapproval of its program in accordance with the criteria set forth in this subsection. Failure of the State board to act on the submission of a county program under this provision within 60 days of its receipt shall be deemed to constitute approval of the county program by the State board.

**(e) Easement purchase.—**

(1) The State board may reject the recommendation made by a county for purchase of an agricultural conservation easement whenever:

(i) The recommendation does not comply with a county program certified and approved by the State board for purchasing agricultural conservation easements.

(ii) Clear title cannot be conveyed.

(iii) The farmland which would be subject to the agricultural conservation easement is either not located within a duly established agricultural security area of 500 or more acres established or recognized under this act or not in compliance with the criteria set forth in subsection (b)(2)(i).

(iv) The allocation of a county established pursuant to subsection (h) is exhausted or is insufficient to pay the purchase price.

(v) Compensation is not provided to owners of surface-mineable coal disturbed or affected by the creation of such easement.



(2) The State board shall act to approve, disapprove or table the recommendation by a county for purchase of an agricultural conservation easement within 60 days of its receipt, unless the following conditions delay such action:

(i) The occurrence of a catastrophic event which precludes the convening of the State board. Any natural disaster, including, but not limited to, fire, flood, excessive wind, snow or earthquake shall constitute a catastrophic event.

(ii) The issue of a subdivision causes further questions by the State board.

(iii) Legal actions or court decisions are pending which would affect the recommendation in question.

(iv) The State board passes a resolution directing that an independent hearing examiner conduct an administrative hearing on any issue relating to the recommendation submitted by the county. In such an occurrence, the 60-day period shall be extended to 120 days.

The 60-day period shall be extended until all issues set forth in this paragraph are resolved to the satisfaction of the State board, whereby the State board shall act at the next scheduled meeting on the recommendation of the county board. Decisions delayed due to catastrophic events shall be determined in as reasonable amount of time as possible

(3) If the State board disapproves the recommendation by a county for purchase of an agricultural conservation easement, the county shall be given written notice of the disapproval within ten days of the decision of the State board. The written notice shall state the reason for the State board's disapproval of the recommendation.

(4) A decision of the State board issued under the authority of this subsection shall be an adjudication subject to the provisions of 2 Pa.C.S. (relating to administrative law and procedure).

(5) Failure of the State board to act on a recommendation by a county for purchase of an agricultural conservation easement within 60 days of its receipt shall be deemed to constitute approval by the State board, unless one or more of the conditions under paragraph (2) exist.

**(f) Valuation.**—The State board or the county board, as the case may be, shall select and retain an independent State-certified general real estate appraiser to determine market value and farmland value. If the seller disagrees with the appraisal made by the State or county board's appraiser, the seller shall have the right to select and retain a separate independent State-certified general real estate appraiser within 30 days of receipt of the appraisal of the State or county board's appraiser to determine market value and farmland value. The State board or the county board shall establish the agricultural value and the nonagricultural value of the property subject to the agricultural conservation easement. The State board may provide for a periodic review by a State-certified general real estate appraiser of appraisals submitted by counties in order to assure that the appraisals were performed in accordance with the standards of appraisal practice.

(1) The agricultural value shall equal the sum of:

(i) the farmland value determined by the seller's appraiser; and

(ii) one-half of the difference between the farmland value determined by the State or county board's appraiser and the farmland value determined by the

seller's appraiser if the farmland value determined by the State or county board's appraiser exceeds the farmland value determined by the seller's appraiser.

(2) The nonagricultural value shall equal the sum of:

- (i) the market value determined by the State or county board's appraiser; and
- (ii) one-half of the difference between the market value determined by the seller's appraiser and the market value determined by the State or county board's appraiser, if the market value determined by the seller's appraiser exceeds the market value determined by the State or county board's appraiser.

(3) The entire acreage of the farmland shall be included in the determination of the value of an agricultural conservation easement, less the value of any acreage which was subdivided prior to the granting of such easement. The appraiser shall take into account the potential increase in the value of the subdivided acreage because of the placement of the easement on the remaining farmland.

**(g) Purchase price.**—The price paid for purchase of an agricultural conservation easement in perpetuity shall not exceed the difference between the nonagricultural value and the agricultural value determined pursuant to subsection (f) at the time of purchase, unless the difference is less than the State or county boards' original appraised value in which case the State or county boards' original easement value may be offered. The purchase price may be paid in a lump sum, in installments over a period of years, or in any other lawful manner of payment. If payment is made in installments or another deferred method, the person selling the easement may receive, in addition to the selling price, interest in an amount or at a rate set forth in the agreement of purchase, and final payment of all State money shall be made within, and no later than, five years from the date the agricultural conservation easement purchase agreement was fully executed. The county may provide for payments on an installment or other deferred basis and for interest payments by investing its allocation of State money for purchases approved by the State board under subsection (h)(11) in securities deposited into an irrevocable escrow account or in another manner provided by law.

**(h) Allocation of State moneys.**—By March 1 of each year, the State board shall make an annual allocation among counties, except counties of the first class, for the purchase of agricultural conservation easements.

(1) As used in this subsection, the following words and phrases shall have the meanings given to them in this paragraph unless the context clearly indicates otherwise:

(i) "Adjusted weighted transfer tax revenues." An amount equal to the weighted transfer tax revenues of a county divided by the sum of the weighted transfer tax revenues of all counties except counties of the first class.

(ii) "Annual agricultural production." The total dollar volume of sales of livestock, crops and agricultural products according to the most recent Annual Crop and Livestock Summary published by the Pennsylvania Agricultural Statistics Service.

(iii) "Annual easement purchase threshold." An amount annually determined by the State board which equals at least \$10,000,000.

(iv) "Average realty transfer tax revenues." The total annual realty transfer tax revenues collected in all counties, except counties of the first class, divided by 66.

(v) "Realty transfer tax revenues." The tax imposed and collected under section 1102-C of the act of March 4, 1971 (P.L. 6, No. 2), known as the "Tax Reform Code of 1971."<sup>41</sup>

(vi) "Weighted transfer tax revenues." An amount equal to the total annual realty transfer tax revenues collected in a county divided by the sum of the total annual realty tax revenues collected in all counties except counties of the first class which does not exceed three times the average realty transfer tax revenues.

(2) An annual allocation shall be made to each county, except counties of the first class, for the purchase of agricultural conservation easements by the Commonwealth at the beginning of the county fiscal year which equals 50% of the annual easement purchase threshold multiplied by the adjusted weighted transfer tax revenues of the county for the preceding calendar year.

(3) If the aggregate annual allocation under this paragraph to all counties, except counties of the first class, does not exceed 50% of the annual easement purchase threshold, an additional annual allocation from 50% of the annual easement purchase threshold shall be made to a county, except a county of the first class, at the beginning of the county fiscal year for the joint purchase of agricultural conservation easements by the Commonwealth and a county. The additional annual allocation under this paragraph shall equal the sum of:

(i) The annual appropriation of local moneys by a county for the purchase of agricultural conservation easements which does not exceed the average annual allocation under paragraph (2) multiplied by four.

(ii) The annual appropriation of local moneys by a county for the purchase of agricultural conservation easements which does not exceed the average annual allocation under paragraph (2) multiplied by four, if the county has an annual agricultural production which equals at least 2% of the total annual agricultural production of the Commonwealth for the same year.

(4) If the aggregate annual allocation under paragraph (3) to all counties, except counties of the first class, would exceed 50% of the annual easement purchase threshold, paragraph (3) shall not apply, and an additional annual allocation shall be made under this paragraph at the beginning of the county fiscal year for the joint purchase of agricultural conservation easements by the Commonwealth and a county, except a county of the first class. The additional annual allocation to a county under this paragraph shall equal 50% of the annual easement purchase threshold multiplied by a percentage equal to the annual appropriation of local moneys appropriated by the county for the purchase of agricultural conservation easements divided by the aggregate of local moneys appropriated by all counties, except counties of the first class, for the purchase of agricultural conservation easements and in all cases shall not exceed the average annual allocation under paragraph (2) multiplied by four.

(5) An additional annual allocation shall be made to a county, except a county of the first class, from the amount by which 50% of the annual easement purchase threshold exceeds the total allocations made under paragraph (3) or (4), as the case may be, as follows:

(i) An additional annual allocation shall be made for the joint purchase of agricultural conservation easements by the Commonwealth and a county which

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<sup>41</sup> 72 P.S. § 8102-C.

equals six-tenths of the amount by which 50% of the annual easement purchase threshold exceeds the total allocations made under paragraph (3) or (4), as the case may be, multiplied by a percentage equal to the annual appropriation of local moneys appropriated by the county for the purchase of agricultural conservation easements divided by the aggregate of local moneys appropriated by all counties, except counties of the first class, for the purchase of agricultural conservation easements.

(ii) An additional annual allocation shall be made for the purchase of agricultural conservation easements by the Commonwealth which equals four-tenths of the amount by which 50% of the annual easement purchase threshold exceeds the total allocations made under paragraph (3) or (4), as the case may be, multiplied by the adjusted weighted transfer tax revenues of the county for the preceding calendar year.

(6) The allocation of a county shall be adjusted for purchases of agricultural conservation easements made with moneys from the county's allocation, for all costs, except administrative costs, incurred by the Commonwealth or a county incident to the purchase of agricultural conservation easements and for the costs of reimbursing nonprofit land conservation organizations for expenses incurred in acquiring and transferring agricultural conservation easements to the Commonwealth or county. No purchase of an agricultural conservation easement shall be made with State moneys allocated to a county unless the amount of the purchase price is equal to or less than the adjusted allocation or the county pays the portion of the purchase price which represents the difference between the purchase price and the adjusted allocation.

(7), (8) Deleted.

(8.1) Beginning with the annual allocation under paragraphs (2), (3), (4) and (5) made by March 1, 1995, and for each annual allocation thereafter, money allocated to counties which are not eligible counties shall be immediately reallocated to eligible counties. Fifty percent of the money available for reallocation under this paragraph shall be reallocated to eligible counties on the basis of the annual agricultural production in each eligible county as a percentage of the total annual agricultural production in all those eligible counties. Twenty-five percent of the money available for reallocation under this paragraph shall be reallocated to eligible counties on the basis of the realty transfer tax revenues for the last fiscal year in each of the eligible counties as a percentage of the total realty transfer tax revenues for the last fiscal year in all those eligible counties. Twenty-five percent of the money available for reallocation under this paragraph shall be reallocated to eligible counties on the basis of the local moneys appropriated by eligible counties for the purchase of agricultural conservation easements for the current county fiscal year in each of the eligible counties as a percentage of the total of local moneys appropriated for the purchase of agricultural conservation easements for the current county fiscal year in all those eligible counties.

(8.2) The total annual allocation made to an eligible county by March 1 of the county's fiscal year for the purchase of agricultural conservation easements and the total annual reallocation made to an eligible county under paragraph (8.1) may be spent over a period of two consecutive county fiscal years. Money allocated or reallocated to a county under this subsection which has not been expended or encumbered by such county at the conclusion of the second county fiscal year shall be restored to the fund. Such money

shall not be restored to the fund if by December 31 of the second fiscal year the department has received an agreement executed by the landowner and the county to purchase a specific agricultural conservation easement as part of the county board's recommendation for purchase.

(9) The allocation made to a county under this subsection shall be used for the purchase of agricultural conservation easements in perpetuity.

(10)

(i) Notwithstanding any other provision of this subsection or any provision of regulations promulgated pursuant to this act, the department shall not reallocate funds which were allocated prior to January 1, 1994, if, by December 31, 1993, the department has received an agreement signed by the landowner and the county board to purchase a specific agricultural conservation easement as part of the county board's recommendation for purchase.

(ii) Nothing in this paragraph shall affect any reallocation made prior to the effective date of this paragraph.

(11) Whenever the State board approves the recommendation made by a county for purchase of an agricultural conservation easement on an installment or other deferred basis and final payment is to be made more than five years from the date the agricultural conservation easement purchase agreement is fully executed, the moneys allocated to the county for the purchase of such easement, exclusive of interest, shall be transferred to the county and may be invested by the county in the manner provided by law. Transfer of the moneys to the county shall relieve the Commonwealth of any obligation to pay or assure the payment of the purchase price and interest.

**(i) Subdivision of land after easement purchase.—**

(1) Each county program shall specify the conditions under which the subdivision of land subject to an agricultural conservation easement may be permitted. In no case, however, shall a county program permit a subdivision which will:

(i) harm the economic viability of the farmland for agricultural production; or

(ii) convert land which has been devoted primarily to agricultural use to another primary use, except that a county program may permit one subdivision for the purpose of the construction of a principal residence for the landowner or an immediate family member.

(2) The county board may agree to permit a parcel of land subject to an agricultural conservation easement to be subdivided after the granting of such easement as follows:

(i) The landowner of record may submit an application, in such form and manner as the county board may prescribe, to the county board requesting that a parcel of the land subject to an easement be subdivided. Upon receipt of the application, the county board shall cause to be forwarded written notification thereof to the county zoning office, county planning office and county farmland preservation office, herein referred to as the reviewing agencies. Each reviewing agency shall have 60 days from receipt of such notification to review, comment and make recommendations on the proposed application to the county board.

(ii) After reviewing the application and the comments and recommendations submitted by the reviewing agencies, the county board shall approve or reject the

application to subdivide within 120 days after the date of its filing unless the time is extended by mutual agreement of the landowner and reviewing agencies.

(iii) If the application to subdivide land is approved by the county board, a copy of the application, along with the comments and recommendations of the reviewing agencies, shall be forwarded to the State board for review and approval or disapproval. When reviewing an application to subdivide land subject to an agricultural conservation easement, the State board shall consider only whether the application complies with the conditions under which subdivisions are permitted by the approved county program. The State board shall notify the county board of its decision regarding the application.

(iv) If the application to subdivide is rejected by the county board, the application shall be returned to the landowner with a written statement of the reasons for such rejection. Within 30 days after the receipt of the statement of rejection, the landowner may appeal the rejection in accordance with 2 Pa.C.S. Ch. 5 Subch. B (relating to practice and procedure of local agencies) and Ch. 7 Subch. B (relating to judicial review of local agency action).

**(j) Change of ownership.—**

(1) Whenever interest in land subject to an agricultural conservation easement is conveyed or transferred to another person, the deed conveying or transferring such land shall recite in verbatim the language of the easement as set forth in the deed executed in connection with the purchase of the agricultural conservation easement.

(2) The person conveying or transferring land subject to an agricultural conservation easement shall within 30 days of change in ownership notify the county board and the department of the name and address of the person to whom the subject land was conveyed or transferred and the price per acre or portion thereof received by the landowner from such person.

(3) Notwithstanding any other provisions of law to the contrary, the restrictions set forth in a deed executed in connection with the purchase of an agricultural conservation easement shall be binding on any person to whom subsequent ownership of the land subject to the easement is conveyed or transferred.

**(k) Provisions for agricultural conservation easements.—**Any land subject to an agricultural conservation easement under this act shall continue to be subject to the provisions of sections 11, 12 and 13<sup>42</sup> regardless of any future modification or termination of the agricultural security area under section 9.<sup>43</sup>

**§ 914.2. Agricultural conservation easement purchase fund**

**(a) Purpose of fund.—**

(1) The Agricultural Conservation Easement Purchase Fund shall be the source from which all moneys are authorized with the approval of the Governor to carry out the purpose of this act.

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<sup>42</sup> 3 P.S. §§ 911, 912 and 913.

<sup>43</sup> 3 P.S. § 909.

(2) Except as set forth in paragraph (3), the moneys appropriated to the fund shall be utilized in accordance with the expenditures and distribution authorized, required or otherwise provided in the program for purchase of agricultural conservation easements contained in section 14.1,<sup>44</sup> for the purpose of paying all costs, except administrative costs, incurred by the Commonwealth or a county incident to the purchase of agricultural conservation easements, and for the purpose of reimbursing nonprofit land conservation organizations for expenses incurred in acquiring and transferring agricultural conservation easements to the Commonwealth or a county.

(3) Each fiscal year, up to \$200,000 of the money in the fund may be used for the purpose of reimbursement allocation under section 14.6(b). Up to 10% of these funds may be used for administrative expenses of the department incurred under section 14.6(b).

**(b) Interfund transfers authorized.—**

(1) Whenever the cash balance and the current estimated receipts of the Agricultural Conservation Easement Purchase Fund shall be insufficient at any time during any State fiscal year to meet promptly the obligations of the Commonwealth from such fund, the State Treasurer is hereby authorized and directed, from time to time during such fiscal year, to transfer from the General Fund to the Agricultural Conservation Easement Purchase Fund such sums as the Governor directs, but in no case less than the amount necessary to meet promptly the obligations to be paid from such fund nor more than an amount which the smallest of:

(i) the difference between the amount of debt authorized to be issued under the authority of this act and the aggregate principal amount of bonds and notes (not including refunding bonds and replacement notes) issued; and

(ii) the difference between the aggregate principal amount of bonds and notes permitted under section 14.3(e) to be issued during a State fiscal year and the aggregate principal amount of bonds and notes (not including refunding bonds and replacement notes) issued during such State fiscal year.

Any sums so transferred shall be available only for the purposes for which funds are appropriated from the Agricultural Conservation Easement Purchase Fund. Such transfers shall be made hereunder upon warrant of the State Treasurer upon requisition of the Governor.

(2) In order to reimburse the General Fund for moneys transferred from such fund under section 14.2(b)(1),<sup>45</sup> there shall be transferred moneys to the General Fund from the Agricultural Conservation Easement Purchase Fund from proceeds obtained from bonds and notes issued under the authority of this act or from other available funds in such amounts and at such times as the Governor shall direct. Such retransfers shall be made upon warrant of the State Treasurer upon requisition of the Governor.

### **§ 914.3. Commonwealth indebtedness**

**(a) Borrowing authorized.—**

(1) Pursuant to the provisions of section 7(a)(3) of Article VIII of the Constitution of Pennsylvania and the referendum approved by the electorate, the issuing officials are

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<sup>44</sup> 3 P.S. § 914.1.

<sup>45</sup> 3 P.S. § 914.2(b)(1).

authorized and directed to borrow, on the credit of the Commonwealth, money not exceeding in the aggregate the sum of \$100,000,000, not including money borrowed to refund outstanding bonds, notes or replacement notes, as may be found necessary to carry out the purposes of this act.

(2) As evidence of the indebtedness authorized in this act, general obligation bonds of the Commonwealth shall be issued, from time to time, to provide moneys necessary to carry out the purposes of this act for such total amounts, in such form, in such denominations and subject to such terms and conditions of issue, redemption and maturity, rate of interest and time of payment of interest as the issuing officials direct, except that the latest stated maturity date shall not exceed 20 years from the date of the first obligation issued to evidence the debt.

(3) All bonds and notes issued under the authority of this act shall bear facsimile signatures of the issuing official and a facsimile of the great seal of the Commonwealth and shall be countersigned by a duly authorized officer of a duly authorized loan and transfer agent of the Commonwealth.

(4) All bonds and notes issued in accordance with the provisions of this section shall be direct obligations of the Commonwealth, and the full faith and credit of the Commonwealth are hereby pledged for the payment of the interest thereon, as it becomes due, and the payment of the principal at maturity. The principal of and interest on the bonds and notes shall be payable in lawful money of the United States.

(5) All bonds and notes issued under the provisions of this section shall be exempt from taxation for State and local purposes except as may be provided under Article XVI of the act of March 4, 1971 (P.L. 6, No. 2), known as the "Tax Reform Code of 1971."<sup>46</sup>

(6) The bonds may be issued as coupon bonds or registered as to both principal and interest as the issuing officials may determine. If interest coupons are attached, they shall contain the facsimile of the signature of the State Treasurer.

(7) The issuing officials shall provide for the amortization of the bonds in substantial and regular amounts over the term of the debt so that the bonds of each issue allocated to the programs to be funded from the bond issue shall mature within a period not to exceed the appropriate amortization period for each program as specified by the issuing officials but in no case in excess of 20 years. The first retirement of principal shall be stated to mature prior to the expiration of a period of time equal one-tenth of the time from the date of the first obligation issued to evidence the debt to the date of the expiration of the term of the debt. Retirements of principal shall be regular and substantial if made in annual or semiannual amounts whether by state serial maturities or by mandatory sinking fund retirements.

(8) The issuing officials are authorized to provide by resolution, for the issuance of refunding bonds for the purpose of refunding any debt issued under the provisions of this act and then outstanding, either by voluntary exchange with the holders of the outstanding debt or to provide funds to redeem and retire the outstanding debt with accrued interest, any premium payable thereon and the costs of issuance and retirement of the debt, at maturity or at any call date. The issuance of the refunding bonds, the maturities and other details thereof, the rights of the holders thereof and the duties of the issuing officials in respect thereto shall be governed by the provisions of this section, insofar as they may be applicable. Refunding bonds, which are not subject to the

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<sup>46</sup> 72 P.S. § 8601 *et seq.* (repealed).



aggregate limitation of \$100,000,000 of debt to be issued pursuant to this act, may be issued by the issuing officials to refund debt originally issued or to refund bonds previously issued for refunding purposes.

(9) Whenever any action is to be taken or decision made by the Governor, the Auditor General and the State Treasurer acting as the issuing officials and the three officers are not able unanimously to agree, the action or decision of the Governor and either the Auditor General or the State Treasurer shall be binding and final.

(10) Issuing officials shall mean the Governor, the Auditor General and the State Treasurer.

**(b) Sale of bonds.—**

(1) Whenever bonds are issued, they shall be offered for sale at not less than 98% of the principal amount and accrued interest and shall be sold by the issuing officials to the highest and best bidder or bidders after due public advertisement on the terms and conditions and upon such open competitive bidding as the issuing officials shall direct. The manner and character of the advertisement and the time of advertising shall be prescribed by the issuing officials. No commission shall be allowed or paid for the sale of any bonds issued under the authority of this act.

(2) Any portion of any bond issue so offered and not sold or subscribed for at public sale may be disposed of by private sale by the issuing officials in such manner and at such prices, not less than 98% of the principal amount and accrued interest, as the Governor shall direct. No commission shall be allowed or paid for the sale of any bonds issued under the authority of this act.

(3) When bonds are issued from time to time, the bonds of each issue shall constitute a separate series to be designated by the issuing officials or may be combined for sale as one series with other general obligation bonds of the Commonwealth.

(4) Until permanent bonds can be prepared, the issuing officials may in their discretion issue, in lieu of permanent bonds, temporary bonds in such form and with such privileges as to registration and exchange for permanent bonds as may be determined by the issuing officials.

(5) The proceeds realized from the sale of bonds and notes, except refunding bonds and replacement notes, under the provisions of this act shall be paid into a special fund in the State Treasury to be known as the Agricultural Conservation Easement Purchase Fund and are specifically dedicated to the purposes of the referendum of July 13, 1987, as implemented by this act. The proceeds shall be paid by the State Treasurer periodically to those departments, agencies or authorities authorized to expend them at such times and in such amounts as may be necessary to satisfy the funding needs of the department, agency or authority. The proceeds of the sale of refunding bonds and replacement notes shall be paid to the State Treasurer and applied to the payment of principal, the accrued interest and premium, if any, and cost of redemption of the bonds and notes for which such obligations shall have been issued.

(6) Pending their application for the purposes authorized, moneys held or deposited by the State Treasurer may be invested or reinvested as are other funds in the custody of the State Treasurer in the manner provided by law. All earnings received from the investment or deposit of such funds shall be paid into the State Treasury to the credit of the fund. Such earnings in excess of bond discounts allowed, expenses paid for the

issuance of bonds and notes, and interest arbitrage rebates due to the Federal Government, shall be transferred annually to the Agricultural Conservation Easement Purchase Sinking Fund.

(7) The Auditor General shall prepare the necessary registry book to be kept in the office of the duly authorized loan and transfer agent of the Commonwealth for the registration of any bonds, at the request of owners thereof, according to the terms and conditions of the issue directed by the issuing officials.

(8) There is hereby appropriated to the State Treasurer from the fund as much money as may be necessary for all costs and expenses in connection with the issue of and sale and registration of the bonds and notes in connection with this act and the payment of interest arbitrage rebates or proceeds of such bonds and notes.

**(c) Temporary financing authorization.—**

(1) Pending the issuance of bonds of the Commonwealth as authorized, the issuing officials are hereby authorized, in accordance with the provisions of this act and on the credit of the Commonwealth, to make temporary borrowings not to exceed three years in anticipation to the issue of bonds in order to provide funds in such amounts as may, from time to time, be deemed advisable prior to the issue of bonds. In order to provide for and in connection with such temporary borrowings, the issuing officials are hereby authorized in the name and on behalf of the Commonwealth to enter into any purchase, loan or credit agreement, or agreements, or other agreement or agreements with any banks or trust companies or other lending institutions, investment banking firms or persons in the United States having power to enter into the same, which agreements may contain such provisions not inconsistent with the provisions of this act as may be authorized by the issuing officials.

(2) All temporary borrowings made under the authorization of this section shall be evidenced by notes of the Commonwealth, which shall be issued, from time to time, for such amounts not exceeding in the aggregate the applicable statutory and constitutional debt limitation, in such form and in such denominations and subject to terms and condition of sale and issue, prepayment or redemption and maturity, rate or rates of interest and time of payment of interest as the issuing officials shall authorize and direct and in accordance with this act. Such authorization and direction may provide for the subsequent issuance of replacement notes to refund outstanding notes or replacement notes, which replacement notes shall, upon issuance thereof, evidence such borrowing, and may specify such other terms and conditions with respect to the notes and replacement notes thereby authorized for issuance as the issuing officials may determine and direct.

(3) When the authorization and direction of the issuing officials provide for the issuance of replacement notes, the issuing officials are hereby authorized in the name and on behalf of the Commonwealth to issue, enter into or authorize and direct the State Treasurer to enter into agreements with any banks, trust companies, investment banking firms or other institutions or persons in the United States having the power to enter the same:

- (i) To purchase or underwrite an issue or series of issues of notes.

(ii) To credit, to enter into any purchase, loan, or credit agreements, to draw moneys pursuant to any such agreements on the terms and conditions set forth therein and to issue notes as evidence of borrowings made under such agreements.

(iii) To appoint as issuing and paying agent or agents with respect to notes.

(iv) To do such other acts as may be necessary or appropriate to provide for the payment, when due, of the interest on and the principal of such notes.

Such agreements may provide for the compensation of any purchasers or underwriters of notes or replacement notes by discounting the purchase price of the notes or by payment of a fixed fee or commission at the time of issuance thereof, and all other costs and expenses, including fees for agreements related to the notes, issuing and paying agent costs and costs and expenses of issuance, may be paid from the proceeds of the notes.

(4) When the authorization and direction of the issuing officials provide for the issuance of replacement notes, the State Treasurer shall, at or prior to the time of delivery of these notes or replacement notes, determine the principal amounts, dates of issue, interest rate or rates (or procedures for establishing such rates from time to time), rates of discount, denominations and all other terms and conditions relating to the issuance and shall perform all acts and things necessary to pay or cause to be paid, when due, all principal of and interest on the notes being refunded by replacement notes and to assure that the same may draw upon any moneys available for that purpose pursuant to any purchase, loan or credit agreements established with respect thereto, all subject to the authorization and direction of the issuing officials.

(5) Outstanding notes evidencing such borrowings may be funded and retired by the issuance and sale of the bonds of the Commonwealth as hereinafter authorized. The refunding bonds must be issued and sold not later than a date three years after the date of issuance of the first notes evidencing such borrowings to the extent that payment of such notes has not otherwise been made or provided for by sources other than proceeds of replacement notes.

(6) The proceeds of all such temporary borrowing shall be paid to the State Treasurer to be held and disposed of in accordance with the provisions of this act.

**(d) Debt retirement.—**

(1) All bonds issued under the authority of this act shall be redeemed at maturity, together with all interest due, from time to time, on the bonds, and these principal and interest payments shall be paid from the Agricultural Conservation Easement Purchase Sinking Fund, which is hereby created. For the specific purpose of redeeming the bonds at maturity and paying all interest thereon in accordance with the information received from the Governor, the General Assembly shall appropriate moneys to the Agricultural Conservation Easement Purchase Sinking Fund for the payment on interest on the bonds and notes and the principal thereof at maturity. All moneys paid into the Agricultural Conservation Easement Purchase Sinking Fund and all of the moneys not necessary to pay accruing interest shall be invested by the State Treasurer in such securities as are provided by law for the investment of the sinking funds of the Commonwealth.

(2) The State Treasurer, with the approval of the Governor, is authorized at any time to use any of the moneys in the fund not necessary for the purposes of the referendum of November 3, 1987, for the purchase and retirement of all or any part of the bonds and notes issued pursuant to the authorization of this act. In the event that all or any part of

the bonds and notes are purchased, they shall be canceled and returned to the loan and transfer agent as canceled and paid bonds and notes, and thereafter all payments of interest thereon shall cease and the canceled bonds, notes and coupons, together with any other canceled bonds, notes and coupons, shall be destroyed as promptly as possible after cancellation but not later than two years after cancellation. A certificate evidencing the destruction of the canceled bonds, notes and coupons shall be provided by the loan and transfer agent to the issuing officials. All canceled bonds, notes and coupons shall be so marked as to make the canceled bonds, notes and coupons nonnegotiable.

(3) The State Treasurer shall determine and report to the Secretary of the Budget by November 1 of each year, the amount of money necessary for the payment of interest on outstanding obligations and the principal of the obligations, if any, for the following fiscal year and the times and amounts of the payments. It shall be the duty of the Governor to include in every budget submitted to the General Assembly full information relating to the issuance of bonds and notes under the provisions of this act and the status of the Agricultural Conservation Easement Purchase Sinking Fund of the Commonwealth for the payment of the interest on the bonds and the principal thereof at maturity.

(4) The General Assembly shall appropriate an amount equal to such sums as may be necessary to meet repayment obligations for principal and interest for deposit into the Agricultural Conservation Easement Purchase Sinking Fund.

(e) Repealed.

**(f) Expiration.**—Authorization to issue bonds and notes, not including refunding bonds and replacement notes, for the purposes of this act shall expire February 13, 2004.

#### **§ 914.4. Legislative report**

The State board shall submit to the General Assembly an annual report no later than May 1. The report shall include, but not be limited to, the following information:

(1) The location of agricultural security areas and agricultural conservation easements in the Commonwealth.

(2) The number of acres throughout the Commonwealth which are located within agricultural security areas.

(3) The number of acres throughout the Commonwealth which are subject to agricultural conservation easements.

(4) The number of agricultural conservation easements in the Commonwealth.

(5) The number of acres included within each agricultural conservation easement throughout the Commonwealth.

(6) The number and value of agricultural conservation easements purchased by the Commonwealth, including the number and value of purchases made during the preceding calendar and the preceding fiscal year of the Commonwealth, and the extent of local government unit or eligible nonprofit entity participation in the transaction.

(7) The number and value of agricultural conservation easements purchased jointly by the Commonwealth and the counties, including the number and value of purchases

made during the preceding calendar and the preceding fiscal year of the Commonwealth.  
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(8) The identity of counties participating in the State program for purchasing agricultural conservation easements.

(9) The dollar value of the annual appropriation made by counties for the purchase of agricultural conservation easements.

(10) The quality of the farmlands subject to agricultural conservation easement, including the soil classifications and productivity of the farmlands.

(11) The nature scope and extent of development activity within the area where agricultural conservation easements have been purchased.

(12) The nature and extent of conservation practices and best land management practices, including, but not limited to, soil erosion and sedimentation control and nutrient management practices, which are practiced on farmlands subject to agricultural conservation easements.

(13) The total number of recommendations filed by counties for purchase of agricultural conservation easements and the number approved and disapproved, and the reasons for disapproval.

#### **§ 914.5 Supplemental Agricultural Conservation Easement Purchase Program**

**(a) Establishment.**—There is established the Supplemental Agricultural Conservation Easement Purchase Program. Funds appropriated for the program shall be allocated by the State board in accordance with the following:

(1) Except as provided in paragraphs (2) and (3), funds may be allocated to eligible counties in accordance with section 14.1(h)(8.1) and (8.2)<sup>7</sup> for any purpose authorized under this act.

(2) Up to \$500,000 may be allocated to provide technical assistance to eligible counties or groups of eligible counties regarding long-term installment purchases of agricultural conservation easements in this Commonwealth. An eligible county must file an application with the State board to receive reimbursement or payment under this paragraph. Technical assistance may include department contracts with individuals with legal or financial expertise to assist eligible counties. Funds may be used for administrative expenses of the department incurred under this paragraph.

(3) Up to \$500,000 may be allocated to reimburse land trusts for expenses incurred to acquire agricultural conservation easements in the Commonwealth. Eligible expenses include the cost of appraisals, legal services, title searches, document preparation, title insurance, closing fees and survey costs. Reimbursement shall be limited to \$5,000 per easement. Funds may be used for administrative expenses of the department incurred under this paragraph. In order to be eligible under this paragraph, a land trust must:

- (i) be a tax-exempt institution under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S. C. § 501 (c)(3)) and include the acquisition of agricultural or other conservation easement in its state purpose;
- (ii) register with the State board;

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<sup>47</sup> See footnote 1. (The intended reference was probably to section 14.4(6), but it reads “14.4(7)”).

(iii) coordinate with the farmland preservation activities of the county if the farmland preservation activity occurs in an eligible county or coordinate with the activities of the State board if the activity does not occur in an eligible county; and

(iv) submit an application to the State board with a statement of costs incidental to the acquisition, the deed of easement and any other documentation required by the State board, within 60 days of closing on the easement.

**(b) Account.—**

(1) An account is established in the fund, to be known as the Supplemental Agricultural Conservation Easement Purchase Account. All funds appropriated to the Supplemental Agricultural Conservation Easement Purchase Program shall be deposited in the account for allocation under this section.

(2) Funds allocated under subsection (a)(1) which are unexpended or unencumbered on June 30, 2001, shall be restored to the account. If no funds are appropriate to the program by June 20, 2001, the restored funds shall be transferred to the fund.

(3) Local appropriation.—Within 60 days of the effective date of any additional appropriations to the program, eligible counties shall be authorized to appropriate additional local money for the purchase of agricultural conservation easements for the current county fiscal year. This additional local money shall be included when determining each eligible county's share of money allocated under this section for supplemental agricultural easement purchase programs under methodologies in section 14.1(h)(8.1) and (8.2).

**§ 14.6. Land Trust Reimbursement Program.**

**(a) Establishment.--**The Land Trust Reimbursement Program is hereby established.

**(b) Reimbursement.--**The State board may allocate funds to reimburse land trusts for expenses incurred in acquiring agricultural conservation easements in this Commonwealth.

**(c) Eligible expenses.--**Eligible expenses include:

- (1) Appraisals.
- (2) Legal services.
- (3) Title searches.
- (4) Document preparation.
- (5) Title insurance.
- (6) Closing fees.
- (7) Survey costs.

**(d) Limitations.--**

- (1) Reimbursement shall be limited to \$5,000 per easement.
- (2) The term of an agricultural conservation easement shall be perpetual.

**(e) Eligibility.--**To be eligible under this subsection, a land trust shall be an eligible nonprofit entity and shall:

- (1) register with the State board;
- (2) coordinate agricultural conservation easement purchase activities with the eligible county in which the activity occurs or coordinate such activities with the State board, if the activity does not occur within an eligible county; and
- (3) submit an application to the State board, with the statement of costs incidental to acquisition, the deed of easement and any other documentation required by the State board, within 60 days of closing on the easement.

#### **§ 14.7. Acquisitions by donation.**

**(a) General rule.**--Notwithstanding any other provision of this act to the contrary, upon recommendation by an eligible county, the donation of an agricultural conservation easement may be acquired by the county, State board, an eligible nonprofit entity or a local government unit if all of the following apply:

- (1) The land is used for agricultural production.
- (2) The term of the agricultural conservation easement is perpetual.
- (3) The applicable county program provides for the acquisition by donation of an agricultural conservation easement.
- (4) The agricultural conservation easement is being acquired by donation by an eligible county or by the eligible county in conjunction with the Commonwealth, an eligible nonprofit entity or a local government unit, or any combination of these.
- (5) Instruments and documents for the acquisition by donation of an agricultural conservation easement are approved by the State board or the county board, as the case may be, prior to execution and delivery. Proper releases from mortgage holders and lienholders must be obtained and executed to insure that all agricultural conservation easements are acquired by donation free and clear of all encumbrances.
- (6) The agricultural conservation easement has title insurance.
- (7) The deed of agricultural conservation easement is as prescribed by the State board for agricultural conservation easements purchased by the Commonwealth.
- (8) The applicable county board records an agricultural conservation easement acquired by donation by the county in the office of the recorder of deeds of the county wherein the agricultural conservation easement is located and submits to the State board a certified copy of the agricultural conservation easement within 30 days after recording.
- (9) If the land does not meet the minimum criteria established by the State board for purchase of an agricultural conservation easement, the land shall be contiguous to property which is subject to an agricultural conservation easement.

**(b) Expenses.**--The allocation of a county may be adjusted by a maximum of \$5,000 per easement for all costs, except administrative costs, incurred by the Commonwealth or a county incident to the acquisition by donation of an agricultural conservation easement.

#### **§ 915. Rules and regulations**

The Secretary of the Department of Agriculture shall promulgate rules and regulations necessary to promote the efficient, uniform and Statewide administration of the act. From January 1, 1995, through December 31, 1997, the Secretary of Agriculture shall

have the power and authority to promulgate, adopt and use guidelines to implement the provisions of this act. The guidelines shall be published in the Pennsylvania Bulletin but shall not be subject to review pursuant to section 205 of the act of July 31, 1968(P.L. 769, No. 240)<sup>48</sup>, referred to as the Commonwealth Documents Law, sections 204(b) and 301(10) of the act of October 14, 1980 (P.L. 950, No. 164), known as the “Commonwealth Attorneys Act,”<sup>49</sup> or the act of June 25, 1982 (P.L. 633, No. 181) known as the “Regulatory Review Act.”<sup>50</sup> All such guidelines shall expire no later than December 31, 1997, and shall be replaced by regulations which shall have been promulgated, adopted and published as provided by law.

## **End of Document**

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<sup>48</sup> 45 P.S. § 1205.

<sup>49</sup> 71 P.S. §§ 732-204(b), 732-301(10).

<sup>50</sup> 71 P.S. § 745.1 *et seq.*



# **Agricultural Security Area Handbook**



## ***Section 8.2:*** **Agricultural Security Area Regulations**

**UNOFFICIAL COPY:  
AGRICULTURAL AREA SECURITY LAW –  
Agricultural Security Area Regulations**

The following is an unofficial copy of the Agricultural Security Area regulations promulgated under authority of the Agricultural Area Security Law (Act of June 30, 1981, P.L. 128, No. 43)(3 P.S. §§ 901-915) at 7 Pa. Code Chapter 138l. The document reflects all revisions to these regulations through the amendment of May 1, 2004 (published at 34 *Pennsylvania Bulletin* 2421).

The document is "unofficial" because it has been retyped. Any discrepancies between this document and the official regulation shall be resolved in favor of the official regulation.

Section numbers refer to the corresponding section in Title 7 of the Pennsylvania Code. For example: "Section 138l.3" refers to 7 Pa. Code § 138l.3.

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**CHAPTER 138l. AGRICULTURAL  
SECURITY  
AREA PROGRAM**

Subchap.

Sec.

- A. PRELIMINARY PROVISIONS...138l.1
- B. FORMATION OF AN AGRICULTURAL SECURITY AREA...138l.11
- C. ADDING LAND TO AN EXISTING ASA...138l.31
- D. REMOVING LAND FROM AN EXISTING ASA...138l.41
- E. SEVEN-YEAR REVIEW AND INTERIM REVIEW...138l.51

**Subchapter A. PRELIMINARY PROVISIONS**

Sec.

- 1381.1. Definitions.
- 1381.2. Purpose.
- 1381.3. Contacting the Department.
- 1381.4. Benefits of having land within an ASA.

**§ 1381.1. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*ALCAB*—The Agricultural Lands Condemnation Approval Board of the Commonwealth.

*ASA*—*Agricultural security area*—A unit of 250 or more acres used for the agricultural production of crops, livestock or livestock products under the ownership of one or more persons and one of the following applies:

(i) The land has been designated as such by the procedures in the act.

(ii) The land has been designated as such under the act of January 19, 1968 (1967 P. L. 992, No. 442) (32 P. S. § § 5001—5012), entitled “An act authorizing the Commonwealth of Pennsylvania and the counties thereof to preserve, acquire or hold land for open space uses,” prior to February 12, 1989, by the governing body of the county or governing body of the municipality in which the agricultural land is located on the basis of criteria and procedures which predate February 12, 1989, and which was not withdrawn from the ASA by August 10, 1989, by the owner providing written notice of withdrawal to the county governing body or governing body of the municipality in which the land is located.

*ASA landowner*—An owner of land located within an ASA.

*ASA proposal form*—A Proposal for the Creation or Modification of an Agricultural Security Area form created by the Department.

*Act*—The Agricultural Area Security Law (3 P. S. § § 901—915).

*Advisory committee*—An agricultural security area advisory committee.

*Agricultural conservation easement*—An interest in land, less than fee simple, which interest represents the right to prevent the development or improvement of a parcel for any purpose other than agricultural production.

(i) The easement may be granted by the owner of the fee simple to any third party or to the Commonwealth, to a county governing body or a unit of local government.

(ii) It shall be granted in perpetuity as the equivalent of covenants running with the land.

(iii) The exercise or failure to exercise any right granted by the easement will not be deemed to be management or control of activities at the site for purposes of enforcement of the Hazardous Sites Cleanup Act (35 P. S. § 6020.101—6020.1305).

*Agricultural production—*

(i) The production for commercial purposes of crops, livestock and livestock products, including the processing or retail marketing of the crops, livestock or livestock products if more than 50% of the processed or merchandised products are produced by the farm operator.

(ii) The term includes use of land which is devoted to and meets the requirements of and qualifications for payments or other compensation under a soil conservation program under an agreement with an agency of the Federal government.

*Applicant—*A landowner proposing the establishment or modification of an ASA in accordance with the requirements of the act and this chapter.

*Contiguous acreage—*

(i) All portions of one operational unit as described in the deed whether or not the portions are divided by streams, public roads, bridges, and whether or not described as multiple tax parcels, tracts, purparts, or other property identifiers.

(ii) The term includes supportive lands such as unpaved field access roads, drainage areas, border strips, hedgerows, submerged lands, marshes, ponds and streams, or as otherwise defined in § 138e.3 (relating to definitions).

*County board—*The county agricultural land preservation board as appointed by the county governing body under the act.

*County fiscal year—*The period from January 1 through December 31 of a particular calendar year.

*County governing body—*The county board of commissioners or, under home rule charters, another designated council of representatives.

*County planning commission—*A planning commission or agency which has been designated by the county governing body to establish and foster a comprehensive plan for land management and development within the county.

*Crops, livestock and livestock products*—The term includes:

- (i) Field crops, including corn, wheat, oats, rye, barley, hay, potatoes and dry-beans.
- (ii) Fruits, including apples, peaches, grapes, cherries and berries.
- (iii) Vegetables, including tomatoes, snap beans, cabbage, carrots, beets, onions and mushrooms.
- (iv) Horticultural specialties, including nursery stock and ornamental shrubs, ornamental trees and flowers.
- (v) Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, furbearing animals, milk, eggs and furs.
- (vi) Timber, wood and other wood products derived from trees.
- (vii) Aquatic plants and animals and their byproducts.

*Curtilage*—The area surrounding a residential structure used for a yard, driveway, onlot sewerage system or other nonagricultural purposes.

*Department*—The Department of Agriculture of the Commonwealth.

*Description of the proposed area*—A complete and accurate list of the names of the owners of each parcel of land to be included in the proposed ASA, the tax parcel number or account number of each parcel and the number or account number of acres (including partial acres, to the nearest thousandth) contained in each parcel. The description shall use county tax map references for determining boundaries of each parcel, and no survey of parcels shall be required, except that an individual parcel included in the ASA shall represent less than the entire amount of contiguous land contained in the property of an owner.

*Economic viability of farmland for agricultural production*—The capability of a particular tract of restricted land, other than a tract of 2 acres or less upon which construction and use of the landowner's principal residence or housing for seasonal or full-time farm employees is permitted under section 14.1(c)(6)(iv) of the act (3 P. S. § 914.1(c)(6)(iv)), to meet the criteria in § 138e.16(a) (relating to minimum criteria for applications).

*Eligible counties*—Counties whose easement purchase programs have been approved by the State Board. For the purpose of annual allocations, an eligible county must have its easement purchase approved by the State Agricultural Land Preservation Board by January 1 of the year in which the annual allocation is

made. Counties of the first class are not eligible under any circumstances.

*Farm*—Land in this Commonwealth which is being used for agricultural production as defined in the act.

*Farmland tract or tract*—Land constituting all or part of a farm with respect to which easement purchase is proposed. A farmland tract may consist of multiple tracts of land that are identifiable by separate tax parcel numbers, separate deeds or other methods of property identification.

*Governing body*—The governing body of a local government unit.

*Grazing or pasture land*—Land, other than land enrolled in the USDA Conservation Reserve Program, used primarily for the growing of grasses and legumes which are consumed by livestock in the field and at least 90% of which is clear of trees, shrubs, vines or other woody growth not consumed by livestock.

*Harm the economic viability of the farmland for agricultural production*—To cause a particular tract of restricted land to fail to meet the criteria in § 138e.16(a) or to create, through subdivision, a tract of restricted land, other than a tract of 2 acres or less upon which construction and use of the landowner's principal residence or housing for seasonal or full-time farm employees is permitted under section 14.1(c)(6)(iv) of the act, that would fail to meet the criteria in § 138e.16(a).

*Harvested cropland*—

(i) Land, other than land enrolled in the USDA Conservation Reserve Program, used for the commercial production of field crops, fruit crops, vegetables and horticultural specialties, such as Christmas trees, flowers, nursery stock, ornamentals, greenhouse products and sod.

(ii) The term does not include land devoted to production of timber and wood products.

*Interim review*—The review of an existing ASA in accordance with the requirements of section 9(b) of the act (3 P. S. § 909(b)).

*Land Capability Class*—A group of soils designated by either the county soil survey, as published by USDA-NRCS in cooperation with the Pennsylvania State University and the Department, or the *Soil and Water Conservation Technical Guide* maintained and updated by USDA-NRCS.

*Landowner*—The person holding legal title to a particular farmland tract.

*Land which has been devoted primarily to agricultural use*—

(i) Acreage which is a part of restricted land and is harvested cropland, grazing or pasture land, land used for the production of timber and wood products, land containing nonresidential structures used for agricultural production, or other acreage immediately available for agricultural production.

(ii) The term does not include: any acreage upon which immediate agricultural production is impracticable due to residential structures and their curtilages, wetlands, soil quality, topography or other natural or manmade features.

(iii) The term does not include: any tract of 2 acres or less designated as the site upon which the landowner's principal residence or housing for seasonal or full-time employees is permitted under section 14.1(c)(6)(iv) of the act.

*Local government unit*—A city, borough, township or town or any home rule municipality, optional plan municipality, optional charter municipality or similar general purpose unit of government which may be created or authorized by statute.

*Mansion house*—The primary residential structure located upon a parcel.

*Nonprofit land conservation organization*—A nonprofit organization dedicated to land conservation purposes recognized by the Internal Revenue Service as a tax-exempt organization under the Internal Revenue Code of 1986 (26 U.S.C.A. § § 1—7872).

*Normal farming operation*—

(i) The customary and generally accepted activities, practices and procedures that farmers engage in year after year in the production and preparation for market of crops, livestock and livestock products and in the production and harvesting of agricultural, agronomic, horticultural, silvicultural, and aquacultural crops and commodities.

(ii) The term includes the storage and utilization of agricultural and food processing wastes for animal feed and the disposal of manure, other agricultural waste and food processing waste on land where the materials will improve the condition of the soil or the growth of crops or will aid in the restoration of the land for the same purposes.

*Nutrient management plan*—A written site-specific plan which incorporates best management practices to manage the use of plant nutrients for crop production and water quality protection consistent with the Nutrient Management Act (3 P. S. § § 1701—1718).

*Parcel*—A tract of land in its entirety which is assessed for tax purposes by one

county, including any portion of that tract that may be located in a neighboring county. The county responsible for assessing an entire tract, on its own or in conjunction with either the Commonwealth or a local government unit, or both, shall be eligible to purchase agricultural conservation easements covering the entire tract.

*Pennsylvania Municipalities Planning Code*—53 P. S. § § 10101—11201.

*Person*—A corporation, partnership, business trust, other association, government entity (other than the Commonwealth), estate, trust, foundation or natural person.

*Planning commission*—A local government planning commission or agency which has been designated by the governing body of the local government unit to establish and foster a comprehensive plan for land management and development within the local government unit.

*Restricted land*—Land which is subject to the terms of an agricultural conservation easement acquired under the act.

*Secretary*—The Secretary of Agriculture of the Commonwealth.

*7-year review*—The periodic review of an existing ASA in accordance with section 9(a) of the act.

*Soils available for agricultural production*—Soils on land that is harvested cropland, pasture or grazing land, or land upon which no structure, easement, roadway, curtilage or natural or manmade feature would impede the use of that soil for agricultural production.

*Soils report*—A report which identifies and sets forth the amount of each land capability class found on a farm land tract.

*State Board*—The State Agricultural Land Preservation Board.

*State-certified general real estate appraiser*—A person who holds a current general appraiser's certificate issued under the Real Estate Appraisers Certification Act (63 P. S. § § 457.1—457.19).

*Subdivision*—The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development, or as otherwise defined in § 138e.3.

*Title report*—



(i) A report prepared by a person authorized by the Insurance Department to engage in the sale of title insurance or an attorney setting forth the existence of any liens, restrictions or other encumbrances on a farmland tract.

(ii) The term does not include the title search, but does include the title binder or the title commitment, or both.

*USDA*—The United States Department of Agriculture.

*USDA-NRCS*—The Natural Resources Conservation Service of the USDA. This entity was formerly known as the Soil Conservation Service.

*Viable agricultural land*—Land suitable for agricultural production and which will continue to be economically feasible for that use if real estate taxes, farm use restrictions and speculative activities are limited to levels approximating those in commercial agricultural areas not influenced by the proximity of urban and related nonagricultural development.

### **§ 138l.2. Purpose.**

This chapter provides regulatory guidance with respect to the benefits of having land in an ASA, the application and review process under which an ASA is formed, the procedures involved in recording an ASA, the addition of land to an existing ASA and the removal of land from an existing ASA, and to otherwise further the purposes of the act.

### **§ 138l.3. Contacting the Department.**

(a) The forms referenced in this chapter may be obtained from the Department, by contacting the following: Director, Bureau of Farmland Preservation, Department of Agriculture, 2301 North Cameron Street, Harrisburg, Pennsylvania 17110-9408, (717) 783-3167.

(b) These forms shall also be available and may be downloaded from the Department's website, at the following internet website address: [www.pda.state.pa.us](http://www.pda.state.pa.us).

### **§ 138l.4. Benefits of having land within an ASA.**

The following are among the benefits and protections resulting from the inclusion of land within an ASA:

(1) Under section 11 of the act (3 P. S. § 911), local government units must encourage the ASA by not enacting laws or ordinances which would restrict farm structures or farm practices, unless the laws or ordinances bear a direct relationship to the public health or safety.

(2) Under section 11 of the act, a local law or ordinance defining or prohibiting a public nuisance must exclude from the definition of the nuisance any agricultural activity or operation conducted using normal farming operations within the ASA if the agricultural activity or operation does not bear a direct relationship to the public health and safety.

(3) Under section 12 of the act (3 P. S. § 912), Commonwealth agencies with programs that might negatively affect farmers must conduct their programs in a manner that will encourage the continuance of viable agriculture in the ASA.

(4) Under section 13 of the act (3 P. S. § 913), entities seeking to acquire land within an ASA by eminent domain (condemnation) must—under certain circumstances delineated in the act—obtain the advance approval of ALCAB before the taking can occur.

(5) Under section 14.1 of the act (3 P. S. § 914.1), the owner of land within an ASA comprised of 500 or more acres may be eligible to apply through the county board to sell an agricultural conservation easement to the Commonwealth, the county, a local government unit or some combination thereof.

## **Subchapter B. FORMATION OF AN AGRICULTURAL SECURITY AREA**

Sec.

- 138l.11. Agricultural security area advisory committee.
- 138l.12. Eligibility to propose the creation of an ASA.
- 138l.13. ASA proposal form.
- 138l.14. Fees.
- 138l.15. ASA located in more than one local government unit.
- 138l.16. Submitting an ASA proposal form to the local government unit.
- 138l.17. Local government unit action upon receipt of an ASA proposal.
- 138l.18. Public hearing by local government unit on ASA proposal.
- 138l.19. Decision of local government unit.
- 138l.20. Notice of decision of the local government unit.
- 138l.21. Effective date of the creation or modification of an ASA.
- 138l.22. Filing of ASA description by governing body; recording of the ASA description.
- 138l.23. Notification of Secretary by governing body.
- 138l.24. Planning commission action with respect to an ASA proposal.
- 138l.25. Advisory committee action with respect to an ASA proposal.
- 138l.26. Factors to be considered by the governing body of the local government unit, the planning commission and the advisory committee.

**§ 138l.11. Agricultural security area advisory committee.**

(a) *Time for formation of an advisory committee.* A governing body may establish an advisory committee at any time. When a proposal for the creation of an ASA is received by a governing body, though, the governing body shall establish an advisory committee if it has not already done so.

(b) *Appointment and composition of an advisory committee.* An advisory committee shall be appointed by the chairperson of the governing body of the local government unit in which the ASA is located, or is to be located. The members of the advisory committee shall serve at the pleasure of that chairperson. An advisory committee shall be composed of five members, as follows:

(1) A member of the governing body of the local government unit, who shall be chairperson of the advisory committee.

(2) One citizen residing within the local government unit.

(3) Three active farmers, each representing a different private or corporate farm situated, at least in part, within the local government unit.

(c) *Functions of an advisory committee.* An advisory committee shall advise the governing body and work with the planning commission in relation to the proposed establishment, modification, review and termination of an ASA. An advisory committee shall render expert advice as to the nature and desirability of these actions, including advice as to the nature of farming and farm resources within the proposed or existing ASA and the relationship of farming in the ASA to the local government unit as a whole.

**§ 138l.12. Eligibility to propose the creation of an ASA.**

An owner or a group of owners of land are eligible to propose the creation of an ASA if the following conditions are met:

(1) The land described in the proposal is used for agricultural production (although a reasonable amount of nonviable farm land and nonfarm land may be included if it is not feasible to exclude it).

(2) Some portion of the land described in the proposal lies within the local government unit to which the proposal is submitted.

(3) The total acreage described within the proposal comprises at least 250 acres of viable agricultural land.

(4) If tax parcel numbers or accounts reflect that a parcel is not contiguous to other land included in the proposal, that tax parcel or account is at least one of the following:

(i) Comprised of 10 or more acres.

(ii) Has anticipated yearly gross income of at least \$2,000 from agricultural production.

**§ 138l.13. ASA proposal form.**

(a) *Governing body has discretion.* The governing body may prescribe the manner and form of the process under which it will receive and consider proposals for the formation of an ASA, to the extent the exercise of that discretion does not violate any provision of the act or this chapter. A governing body may require the use of its own ASA proposal form meeting the requirements of subsection (b), or may use the Department's ASA proposal form as described in subsection (c).

(b) *Minimum requirements for a proposal.* An ASA proposal shall, at a minimum, contain the following:

(1) The name of the township, borough, city or other local government unit to which the ASA proposal is submitted.

(2) The county of the local government unit to which the ASA proposal is submitted.

(3) A description of the boundaries of the proposed ASA.

(4) With respect to each farmland parcel listed on the ASA proposal:

(i) The printed name and address of each person owning land proposed for inclusion in the ASA.

(ii) The signature of each person described in subparagraph (i).

(iii) The county tax parcel number or account number identifying the parcel.

(iv) The acreage of the parcel.

(5) Other information as might be reasonably required to establish the boundaries of the proposed ASA, the owners of the parcels of farmland described in the ASA and compliance with the act and this chapter.

(c) *ASA proposal form available from the Department.* The Department will provide any person or local government unit, upon request, copies of an ASA proposal form created by the Department. A request for an ASA proposal form may be directed to the Department in accordance with § 1381.3 (relating to contacting the Department) or the local government unit in which the ASA proposal form would be filed.

#### **§ 1381.14. Fees.**

(a) *General prohibition.* Except as provided in subsection (b), the governing body may not charge a landowner any fee for the filing of an ASA proposal or for any action the governing body is required to take under the act or this chapter.

(b) *Exception.* A governing body may, by resolution, impose reasonable filing fees for the administration and review of an ASA proposal if all of the following apply:

(1) The proposal includes substantially the same lands as proposed in a previously-submitted application.

(2) The governing body had rejected that previously-submitted application within 36 months preceding the date the proposal was submitted.

(3) The previous rejection was based upon the recommendations of the advisory committee and the planning commission.

#### **§ 1381.15. ASA located in more than one local government unit.**

There are four ways in which an ASA may be created or modified to contain land located in more than one local government unit as follows:

(1) The ASA proposal may be directed to the governing bodies of each of the affected local government units and approved in accordance with the process described in § 1381.31(b) and (c) (relating to adding land to an existing ASA).

(2) A parcel of farmland that straddles the boundary line between two local government units shall be automatically included in the ASA of one of those local government units if the other local government unit has not approved an ASA and the majority of the parcel's viable agricultural land is within the local government unit seeking to create an ASA or add the parcel to an existing ASA, as described in § 1381.32 (relating to automatic inclusion of certain parcels bisected by the dividing line between local government units).

(3) A parcel of farmland that straddles the boundary line between two local government units shall be automatically included in the ASA if the majority of the parcel's viable agricultural land is already in the ASA and an agricultural

conservation easement is purchased with respect to the parcel, as described in § 138l.33 (relating to automatic inclusion of certain parcels bisected by the dividing line between local government units upon purchase of an agricultural conservation easement by certain entities).

(4) A parcel of farmland that straddles the boundary line between two counties shall be automatically included in the ASA of one of those counties if an agricultural conservation easement is purchased with respect to the parcel, as described in § 138l.34 (relating to automatic inclusion of certain parcels bisected by the dividing line between counties upon the purchase of an agricultural conservation easement by certain entities).

**§ 138l.16. Submitting an ASA proposal form to the local government unit.**

(a) *Form submitted by certified mail, return receipt requested.* A person shall submit an ASA proposal form to the governing body of the local government unit in which the ASA is situated. The form shall only be submitted by certified mail, with return receipt requested.

(b) *Date of receipt.* The return receipt shall be official notice that the local government unit has received the ASA proposal form, and the date reflected on that receipt shall constitute the official date of receipt for purposes of calculating the period within which review must occur.

**§ 138l.17. Local government unit action upon receipt of an ASA proposal.**

(a) *Acknowledgement of receipt.* If a local government unit receives an ASA proposal form by certified mail with return receipt requested, the governing body shall acknowledge receipt of the ASA proposal at its next regular or special meeting. The acknowledgement shall be reflected in the minutes of that meeting.

(b) *Providing notice.* Within 15 days of the date of receipt of an ASA proposal, the local government unit shall provide notice of the ASA proposal by doing both of the following:

(1) Publishing a notice that meets the requirements of subsection (c) in a newspaper having general circulation within the proposed ASA.

(2) Posting a notice that meets the requirements of subsection (c) in at least five conspicuous places within, adjacent to or near the proposed ASA.

(c) *Contents of notice.* The notices described in subsection (b) shall contain the following information:

(1) A statement that an ASA proposal has been filed with the governing body under the act.

(2) A statement that the ASA proposal will be on file for public inspection in the office of the local government unit.

(3) A statement that the following persons or entities may propose modifications of the proposed ASA:

(i) Any local government unit having land within or adjacent to the proposed ASA.

(ii) Any landowner who owns land proposed to be included within the ASA.

(iii) Any landowner with lands adjacent to or near the proposed ASA.

(4) A statement that objections to the proposed ASA or proposed modifications to the proposed ASA shall be filed with the governing body and the planning commission within 15 days of the date of publication of the notice, with an explanation of the filing procedure prescribed by the governing body.

(5) A statement that at the termination of the 15-day period described in paragraph (4), the ASA proposal and all proposed modifications will be submitted to the planning commission and the advisory committee, and that thereafter a public hearing will be held on the proposal, proposed modifications and the recommendations of the planning commission and advisory committee.

(d) *Window for receipt of objections or proposed modifications.* The governing body shall receive and consider any proposed modifications of a proposed ASA from the entities described in subsection (c)(3) until no more than 7 days prior to the advertisement of the public hearing described in § 138l.18 (relating to public hearing by local government unit on ASA proposal).

(e) *Submitting documents to the planning commission and the advisory committee.* Upon the termination of the 15-day period described in subsection (c)(4) and (5), the governing body shall submit the ASA proposal and all proposed modifications to the planning commission and the advisory committee for review. The governing body shall retain a record of the date upon which the referenced materials are submitted to these reviewing bodies.

### **§ 138l.18. Public hearing by local government unit on ASA proposal.**

(a) *Public hearing required.* The governing body shall hold a public hearing on an ASA proposal or proposed modification of an ASA. The public hearing shall be scheduled after the earlier of the following:

(1) Receipt of both the report of the planning commission, as described in § 138l.24 (relating to planning commission action with respect to an ASA

proposal) and the report of the advisory committee, as described in § 1381.25 (relating to advisory committee action with respect to an ASA proposal).

(2) The expiration of the 45-day review periods afforded the planning commission under § 1381.24(b) and the advisory committee under § 1381.25(b).

(b) *Hearing notice required.* The governing body shall provide notice of the public hearing described in subsection (a) by doing the following:

(1) Publishing a hearing notice in a newspaper having general circulation in the proposed ASA.

(2) Providing a written hearing notice to the following:

(i) Any landowner who proposed a modification to the ASA.

(ii) Any person owning land included in the proposed modifications to an existing ASA.

(iii) Any person owning land included within the proposed ASA.

(3) Posting a written hearing notice in at least five conspicuous places within, adjacent to or near the proposed ASA or the proposed modifications.

(c) *Contents of hearing notice.* The hearing notice described in subsection (b) shall contain the following:

(1) A statement of the time, date and location of the public hearing.

(2) A description of the proposed ASA, and any proposed additions or deletions.

(3) A summary of the recommendations contained in the reports of the planning commission and the advisory committee. If the planning commission did not render its report within the 45-day period described in § 1381.24(b), or the advisory committee did not render its report within the 45-day period described in § 1381.25(b), the notice shall report this fact and indicate that the reviewing body is deemed to have given its approval to the proposed ASA or proposed modifications.

(4) A statement that the public hearing will be held concerning the following:

(i) The original ASA proposal.

(ii) Any written amendments proposed during the review period.



(iii) Any recommendations proposed by the planning commission or the advisory committee.

(d) *Location of public hearing.* The public hearing described in subsection (a) shall be held at a place either within the proposed ASA or at a location readily accessible to the proposed ASA—such as a nearby municipal building.

### **§ 1381.19. Decision of local government unit.**

(a) *180-day deadline.* A governing body shall act to adopt or reject an ASA proposal, or any modification of a proposal, within 180 days of the official date of receipt of the ASA proposal, as this date is described in § 1381.16(b) (relating to submitting an ASA proposal form to the local government unit). If the governing body fails to act within this 180-day period, the ASA proposal shall be deemed adopted by the governing body, and any proposed modifications to the ASA proposal shall be deemed rejected by the governing body.

(b) *Factors to be considered in reaching decision.* The governing body shall consider the following in reaching its decision with respect to an ASA proposal or proposed modifications:

(1) The factors in § 1381.26(a) (relating to factors to be considered by the governing body of the local government unit, the planning commission and the advisory committee).

(2) The inclusion, to the extent feasible, of adjacent viable farmland where the landowner has applied to have the land included.

(3) The exclusion, to the extent feasible, of nonviable farmland and nonfarm land. It is not ordinarily feasible to require the exclusion or surveying-out of the incidental nonviable farm land and nonfarm land that is typically present on a parcel of viable agricultural land.

(i) This nonviable farm land or nonfarm land might include hedgerows, driveways and farm roads, lands containing soils in Land Capability Classes V—VIII, and land upon which farm buildings or residential structures and their curtilages are located.

(ii) The exclusion of nonviable farm land and nonfarm land becomes more feasible as the percentage of these types of land—as a proportion of a parcel's total acreage—increases and the percentage of viable agricultural land within the parcel decreases.

(4) The existence of utility facilities on land proposed for inclusion in an ASA will not prevent the inclusion of that land in an ASA.

**§ 138l.20. Notice of decision of the local government unit.**

(a) *Rejection or modification.* If a governing body rejects or modifies an ASA proposal, it shall provide each landowner affected by the rejection or modification with a written decision as described in subsection (c). This decision shall be provided by mail, and shall be mailed to each affected landowner within 10 days of the decision.

(b) *Approval.* If a governing body approves an ASA proposal, it shall provide each landowner affected by the approval with written notification of this approval and the effective date of the ASA or ASA modifications. This notification shall be provided by mail, and shall be mailed to each affected landowner within 10 days of the decision.

(c) *Contents of written decision.* The written decision described in subsection (a) shall contain the following:

(1) Findings of fact.

(2) A review of the evaluation criteria in § 138l.26 (relating to factors to be considered by the governing body of the local government unit, the planning commission and the advisory committee).

(3) A discussion of the reasons for rejection or modification of the proposal.

**§ 138l.21. Effective date of the creation or modification of an ASA.**

(a) *ASA proposal or modification covering land in a single local government unit.* If an ASA proposal or proposed modification involves land located entirely within a single local government unit, the ASA shall become effective upon the date the governing body of the local government unit approves the ASA. If proposed modifications to an ASA proposal are made, and the modifications involve land located entirely within the same single local government unit as the proposed ASA, the modifications shall become effective as of the date the governing body of the local government unit approves the modifications.

(b) *ASA proposal or modification covering land in more than one local government unit.* If an ASA proposal or proposed modification involves land located in more than one local government unit, the ASA shall become effective upon the date a local government unit, or a combination of local government units, approves a portion of the ASA proposal that meets the minimum acreage and other requirements for an ASA in § 138l.12 (relating to eligibility to propose the creation of an ASA), or as otherwise prescribed by the act. The remaining portions of the ASA proposal shall become effective upon the date of local government unit approval.

(c) *Deemed approval date.* If a governing body fails to approve, reject or modify an ASA proposal within 180-days of the official date of receipt of the ASA proposal, as described in § § 1381.16(b) and 1381.19(a) (relating to submitting an ASA proposal form to the local government unit; and decision of local government unit), the ASA proposal shall be deemed to have been adopted without modification, and the ASA shall become effective as of the expiration of that 180-day period.

(d) *Automatic inclusion: certain parcels transected by the dividing line between local government units.* If a portion of a parcel is located within a local government unit that does not have an ASA established within its borders, that portion may—without the approval of the governing body of that local government unit—be included in the ASA of an adjoining local government unit in accordance with the procedure described in § 1381.32 (relating to automatic inclusion of certain parcels bisected by the dividing line between local government units). The ASA shall become effective upon the date the governing body of the adjoining local government unit approves the ASA.

(e) *Automatic inclusion: certain agricultural conservation easement purchases involving land in more than one local government unit.* If a portion of a parcel is not located within an ASA, but an agricultural conservation easement is purchased with respect to the parcel in accordance with § 1381.33 (relating to automatic inclusion of certain parcels bisected by the dividing line between local government units upon the purchase of an agricultural conservation easement by certain entities), the portion shall become part of an ASA upon the purchase of the agricultural conservation easement.

(f) *Automatic inclusion: cross-county agricultural conservation easement purchases.* If a portion of a parcel is not located within an ASA, but an agricultural conservation easement is purchased with respect to the parcel in accordance with § 1381.34 (relating to automatic inclusion of portions of certain parcels bisected by the dividing line between counties upon the purchase of an agricultural conservation easement), the portion shall become part of an ASA upon the purchase of the agricultural conservation easement.

### **§ 1381.22. Filing of ASA description by governing body; recording of the ASA description.**

(a) *Responsibility of governing body.* Within 10 days of the effective date of the creation or modification of an ASA, as described in § 1381.21 (relating to effective date of the creation or modification of an ASA), the governing body shall file a description of the ASA with the following:

- (1) The recorder of deeds of any county within which the ASA is located.
- (2) The county planning commission.

(3) The planning commission of the local government unit.

(b) *Optional filing by governing body.* The governing body may file a description of the ASA with the office of the county board. This filing is encouraged, but not required.

(c) *Responsibility of the recorder.* A recorder of deeds receiving an ASA description from a governing body as described in subsection (a) shall record the description in a manner sufficient to give notice to all persons who have an interest in land within the ASA or in lands adjoining the ASA.

**§ 1381.23. Notification of Secretary by governing body.**

(a) *Responsibility of the governing body.* Within 10 days of the recording of the ASA, as described in § 1381.22 (relating to filing of ASA description by governing body; recording of the ASA description), the governing body shall notify the Secretary that the ASA has been approved, modified or terminated. This notification shall be accomplished by mailing written notification to the address in § 1381.3 (relating to contacting the Department).

(b) *Contents of notice.* The written notice described in subsection (a) shall include the following information:

(1) The number of landowners whose land is in the ASA. The notification shall include only one landowner when land is under multiple ownership or is comprised of multiple parcels or accounts.

(2) The total acreage of the ASA.

(3) The effective date of the approval, modification or termination.

(4) The date upon which the approval, modification or termination was recorded in accordance with § 1381.22.

**§ 1381.24. Planning commission action with respect to an ASA proposal.**

(a) *Record of the date of receipt.* If a governing body submits an ASA proposal and all proposed modifications to a planning commission in accordance with § 1381.17(e) (relating to local government unit action upon receipt of an ASA proposal), the planning commission shall retain a record of the date upon which the referenced materials are received. This may be accomplished by time-stamping the documents, providing the governing body written confirmation of the date of receipt or other reasonable means of creating a record of the date upon which the documents were received.

(b) *45-day review period.* A planning commission shall have up to 45 days from receipt of an ASA proposal and any proposed modifications from the governing body within which to submit a report to that governing body. If the planning commission fails to submit this report to the governing body within the 45-day review period, this failure to act shall be deemed to constitute the planning commission's approval of the ASA proposal. A report is considered "submitted" when it is delivered to the governing body.

(c) *Factors to be considered.* The planning commission shall consider the factors in § 1381.26 (relating to factors to be considered by the governing body of the local government unit, the planning commission and the advisory committee) in reaching its recommendation concerning the ASA proposal and proposed modifications.

(d) *Contents of report.*

(1) *Report by a county planning commission.* If the planning commission described in subsection (b) is a county planning commission, its report shall contain that body's recommendations concerning the proposal and proposed modifications.

(2) *Report by a planning commission that is not a county planning commission.* If the planning commission described in subsection (b) is not a county planning commission, its report shall relate the potential effect of the proposal and proposed modifications upon the local government's planning policies and objectives.

### **§ 1381.25. Advisory committee action with respect to an ASA proposal.**

(a) *Record of the date of receipt.* If a governing body submits an ASA proposal and all proposed modifications to an advisory committee in accordance with § 1381.17(e) (relating to local government unit action upon receipt of an ASA proposal), the advisory committee shall retain a record of the date upon which the referenced materials are received. This may be accomplished by time-stamping the documents, providing the governing body written confirmation of the date of receipt or other reasonable means of creating a record of the date upon which the documents were received.

(b) *45-day review period.* An advisory committee shall have up to 45 days from receipt of an ASA proposal and any proposed modifications from the governing body within which to submit a report to that governing body. If the advisory committee fails to submit this report to the governing body within the 45-day review period, this failure to act shall be deemed to constitute the advisory committee's approval of the ASA proposal. A report is considered "submitted" when it is delivered to the governing body.

(c) *Factors to be considered.* The planning commission shall consider the factors in § 138l.26 (relating to factors to be considered by the governing body of the local government unit, the planning commission and the advisory committee) in reaching its recommendation concerning the ASA proposal and proposed modifications.

(d) *Contents of report.* The report of an advisory committee shall contain that body's recommendations concerning the proposal and proposed modifications.

**§ 138l.26. Factors to be considered by the governing body of the local government unit, the planning commission and the advisory committee.**

(a) *Factors.* The governing body of the local government unit, the planning commission and the advisory committee shall consider the following factors in their respective reviews of an ASA proposal and proposed modifications:

(1) *Soil quality.* Land proposed for inclusion in an ASA shall have soils which are conducive to agriculture. This factor will have been satisfied without further consideration if the land to be included in the ASA meets one or more of the following standards:

(i) At least 50% of the land contains soils classified in Land Capability Classes I—IV.

(ii) At least 50% of the land falls within the Land Capability Class for “unique farmland.”

(iii) At least 50% of the land contains soils that do not meet Land Capability Classes I—IV, but the land is in current active farm use and is being maintained in accordance with a soil erosion and sedimentation plan applicable to that land.

(2) *Consistency with comprehensive plans.* The use of land proposed for inclusion in an ASA shall be compatible with local government unit comprehensive plans.

(3) *Zoning.* If the land is subject to zoning requirements, it shall be zoned so as to permit agricultural use. The land need not be zoned to exclude other uses. A landowner may propose to include any land in an ASA, but the land must meet the zoning requirements of this paragraph.

(4) *Viable agricultural land.* Land proposed for inclusion in an ASA shall be viable agricultural land.

(5) *Extent and nature of farm improvements.* The extent and nature of farm improvements shall be considered.

(6) *Trends in agricultural economics.* Anticipated trends in agricultural conditions shall be considered.

(7) *Trends in agricultural technology.* Anticipated trends in agricultural technology shall be considered.

(8) *Other factors.* The governing body of the local government unit, the planning commission and the advisory committee may consider any other matter that may be relevant to its review and decision.

(b) *Resource materials.* The following are among the resource materials that may be used in reviewing an ASA proposal and proposed modifications:

(1) Soil surveys of the Pennsylvania State University.

(2) Soil surveys and other information provided by the National Cooperative Soil Survey.

(3) Soil survey maps prepared by USDA-NRCS.

(4) The United States census of agricultural categories of land use classes.

(5) Any other relevant published data, maps, charts, or results of soil or land use surveys made by any county, State or Federal agency.

## **Subchapter C. ADDING LAND TO AN EXISTING ASA**

Sec.

138l.31. Adding land to an existing ASA.

138l.32. Automatic inclusion of certain parcels bisected by the dividing line between local government units.

138l.33. Automatic inclusion of certain parcels bisected by the dividing line between local government units upon the purchase of an agricultural conservation easement by certain entities.

138l.34. Automatic inclusion of portions of certain parcels bisected by the dividing line between counties upon the purchase of an agricultural conservation easement by certain parties.

### **§ 138l.31. Adding land to an existing ASA.**

(a) *Adding land to an ASA located entirely within the same local government unit as the land proposed for inclusion.* If an ASA is entirely contained within a single local government unit, land that is located within that same local

government unit may be added to the ASA at any time, using the same process and procedure that is followed for the initial creation of an ASA, as set forth in this chapter.

(b) *Adding land to an ASA located within two or more local government units, where the land proposed for inclusion lies entirely within the local government units in which the existing ASA is located.* If an ASA is contained within two or more local government units, land that is located entirely within the local government units in which the ASA is located may be added to the ASA at any time, using the same process and procedure that is followed for the initial creation of an ASA, as set forth in this chapter.

(c) *Adding land to an ASA where the land proposed for inclusion lies entirely outside the local government units in which the ASA is located.* If an ASA is contained within one or more local government units, land that is located in a local government unit outside of a local government unit within which the ASA is located may be added to an ASA at any time, if the following apply:

(1) Prior to the submission of the proposal, the local government unit in which the land proposed for inclusion is located and each local government unit in which the existing ASA is located have adopted an ordinance or resolution allowing all of the land (including, at a minimum, both the land in the existing ASA and the land proposed for inclusion) to be part of a single ASA located within all of the local government units.

(2) The addition is made using the same process and procedure that is followed for the initial creation of an ASA, as set forth in this chapter.

(d) *Minimum acreage requirement is inapplicable.* Where land is proposed for inclusion into an existing ASA, it need not meet the minimum 250-acres-of-viable-agricultural-land requirement that is applicable to the initial formation of an ASA.

*Example:* Three parcels of farmland, totaling 120 acres of viable agricultural land, are proposed for inclusion into an existing ASA. The total acreage of the parcels proposed for inclusion does not have to meet the same 250-acres-of-viable-agricultural-land standard that was applicable to the initial formation of the ASA.

(e) *Effect of addition of land to an existing ASA on the required 7-year review of the ASA.* If land is added to an existing ASA, the added land shall be reviewed at the same time the original land undergoes its 7-year review as described in § 1381.51 (relating to 7-year review) or an interim review as described in § 1381.52 (relating to interim review).



**§ 138l.32. Automatic inclusion of certain parcels bisected by the dividing line between local government units.**

If a parcel of farmland is bisected by the dividing line between two local government units, the entire parcel shall be automatically included in an ASA—whether in the initial creation of the ASA or by modification of an existing ASA—if the following apply:

- (1) The two local government units are in the same county.
- (2) The parcel meets the eligibility requirements for inclusion in an ASA.
- (3) A proposal for creation or modification of an ASA has been submitted to the governing body of one of the local government units in which the parcel is located, as set forth in this chapter, seeking the following:
  - (i) In the case of a proposal for the creation of an ASA: the inclusion of the entire parcel in the ASA.
  - (ii) In the case of a proposal for the modification of an existing ASA, where no portion of the parcel is within that existing ASA: the inclusion of the entire parcel within the ASA.
  - (iii) In the case of a proposal for the modification of an existing ASA, where a portion of the parcel is part of the existing ASA: the inclusion of the remainder of the parcel within the ASA.
- (4) A majority of the parcel’s viable agricultural land lies within the local government unit to which the proposal for creation or modification of an ASA has been submitted.
- (5) The local government unit in which the minority of the parcel’s viable agricultural land is located has not approved the creation of an ASA within its borders.
- (6) The governing body of the local government unit adopts a proposal for creation or modification of an ASA that includes—at a minimum—that portion of the parcel located within that government unit.

**§ 138l.33. Automatic inclusion of certain parcels bisected by the dividing line between local government units upon the purchase of an agricultural conservation easement by certain entities.**

(a) *General.* If a parcel of farmland is bisected by the dividing line between two local government units, and the portion of the parcel in one local government unit is within an ASA and the portion of the parcel in the other local government unit

is not, the portion of the parcel that is not within an ASA shall be automatically included in the ASA if the following apply:

- (1) A majority of the parcel's viable agricultural land lies within the local government unit in which the ASA is located.
- (2) An agricultural conservation easement is purchased by any of the following with respect to the parcel:
  - (i) The county.
  - (ii) The county and the Commonwealth, jointly.
  - (iii) The county and a local government unit, jointly.
  - (iv) The county, the Commonwealth and a local government unit, jointly.

*Example:* A 100-acre parcel of farmland is comprised of 80 acres in Township A and 20 acres in Township B. The 80-acre portion of the parcel is within an ASA established by Township A. The majority of the parcel's viable agricultural land is in Township A. The county purchases an agricultural conservation easement with respect to the parcel. Under these facts, as of the purchase of the agricultural conservation easement the 20-acre portion of the parcel located in Township B becomes part of the ASA covering the 80-acre portion of the parcel.

(b) *Exception.* Subsection (a) does not apply with respect to agricultural conservation easement purchases made solely by the Commonwealth.

**§ 138l.34. Automatic inclusion of portions of certain parcels bisected by the dividing line between counties upon the purchase of an agricultural conservation easement by certain parties.**

(a) *General.* If a parcel of farmland is bisected by the dividing line between two counties, and the portion of the parcel in one county is within an ASA and the portion of the parcel in the other county is not, the portion of the parcel that is not within an ASA shall be automatically included in the ASA if the following apply:

- (1) One of the following applies:
  - (i) There is a mansion house on the parcel of farmland, and it is located in the county within which the existing ASA is located.
  - (ii) There is a mansion house on the parcel of farmland, and the mansion house is bisected by the dividing line between the two counties. The landowner has designated the county within which the ASA is located as the situs of assessment for tax purposes.

(iii) There is no mansion house on the parcel of farmland, but the majority of the parcel's viable agricultural land lies within the existing ASA.

(2) An agricultural conservation easement is purchased by any of the following with respect to the parcel:

- (i) The county.
- (ii) The county and the Commonwealth, jointly.
- (iii) The county and a local government unit, jointly.
- (iv) The county, the Commonwealth and a local government unit, jointly.

*Example 1:* A parcel of farmland straddles the boundary line between County A and County B. The portion of the parcel in County A is in an ASA. There is no mansion house on the parcel. The majority of the parcel's viable agricultural land is in County A. County A purchases an agricultural conservation easement with respect to the entire parcel. Under these facts, as of the purchase of the agricultural conservation easement the portion of the parcel in County B becomes part of the ASA in which the remainder of the parcel is located.

*Example 2:* A parcel of farmland straddles the boundary line between County A and County B. There is a mansion house on the parcel, and it is located in County A. County A purchases an agricultural conservation easement with respect to the entire parcel. Under these facts, as of the purchase of the agricultural conservation easement the portion of the parcel in County B becomes part of the ASA in which the remainder of the parcel is located.

*Example 3:* A parcel of farmland straddles the boundary line between County A and County B. There is a mansion house on the parcel, and it straddles the dividing line between County A and County B. County A is the situs of the mansion house for tax purposes. County A purchases an agricultural conservation easement with respect to the entire parcel. Under these facts, as of the purchase of the agricultural conservation easement the portion of the parcel in County B becomes part of the ASA in which the remainder of the parcel is located.

(b) *Exception.* Subsection (a) does not apply with respect to agricultural conservation easement purchases made solely by the Commonwealth.

## **Subchapter D. REMOVING LAND FROM AN EXISTING ASA**

Sec.

1381.41. Removing land that has been in an ASA for 7 years or more.

1381.42. Removing land in the course of the 7-year review or an interim review.

**§ 1381.41. Removing land that has been in an ASA for 7 years or more.**

(a) *Removal permitted.* If land has been in an ASA for 7 years or more, it may be removed from the ASA at the landowner's discretion, if both of the following apply:

(1) The landowner submits to the governing body of the local government unit in which the ASA is situated a written notification to have the land deleted from the ASA. The written notification shall contain information sufficient to identify the land to be removed, and shall include the acreage of the land to be removed.

(2) The written notification is submitted by certified mail, with return receipt requested.

(b) *Limitation on authority.* The governing body does not have the authority to deny a landowner's notification to remove land from an ASA.

(c) *Effective date of removal.* The removal of land from an ASA shall take effect upon receipt of this written notification by the governing body in accordance with subsection (a)(2).

(d) *Recording the removal of land from an ASA.* The governing body shall record the description of an ASA from which land has been removed within 10 days of the effective date of the removal. This recording shall be in accordance with § 1381.22 (relating to filing an ASA description by governing body; recording of the ASA description).

(e) *Failure of remaining land to meet ASA eligibility requirements.* If the removal of land from an ASA in response to a landowner's written notification causes the remaining lands of the ASA to fail to meet the minimum standards for an ASA, as set forth in § 1381.12 (relating to eligibility to propose the creation of an ASA), the ASA shall terminate. The governing body shall be responsible to record this termination with the offices or entities described in § 1381.22(a)(1)—(3).

**§ 1381.42. Removing land in the course of the 7-year review or an interim review.**

(a) *Removal permitted.* The landowner shall have the discretion to remove the land from the ASA in which it is located, if this removal is done in the course of the 7-year review process described in § 1381.51 (relating to 7-year review), or the interim review process described in § 1381.52 (relating to interim review), and the following apply:

(1) The landowner submits to the governing body of the local government unit in which the ASA is situated a written notification to have the land deleted from the ASA. The written notification shall contain information sufficient to identify the land to be removed, and shall include the acreage of the land to be removed.

(2) The written notification is submitted by certified mail, with return receipt requested.

(b) *Limitation on authority.* The governing body does not have the authority to deny a landowner's notification to remove land from an ASA.

(c) *Effective date of removal.* The removal of land from an ASA shall take effect upon receipt of this written notification by the governing body in accordance with subsection (a)(2).

(d) *Recording the removal of land from an ASA.* The governing body shall record the description of an ASA from which land has been removed within 10 days of the effective date of the removal. This recording shall be in accordance with § 138l.22 (relating to filing an ASA description by governing body; recording of the ASA description).

(e) *Failure of remaining land to meet ASA eligibility requirements.* If the removal of land from an ASA in response to a landowner's written notification causes the remaining lands of the ASA to fail to meet the minimum standards for an ASA, as set forth in § 138l.12 (relating to eligibility to propose the creation of an ASA), the ASA shall terminate. The governing body shall be responsible to record this termination with the offices or entities described in § 138l.22(a)(1)—(3) (relating to filing of ASA description by governing body; recording of the ASA description).

## **Subchapter E. SEVEN-YEAR REVIEW AND INTERIM REVIEW**

Sec.

138l.51. Seven-year review.

138l.52. Interim review.

### **§ 138l.51. Seven-year review.**

(a) *General.* The governing body of the local government unit shall review an ASA 7 years from the date of its creation and every 7 years thereafter, in accordance with the procedure in this section.

(b) *Advisory bodies to be consulted.* The governing body conducting a 7-year review shall request the recommendations of the planning commission, the county planning commission and the advisory committee with respect to the ASA that is being reviewed. The governing body shall seek and obtain these recommendations on its own timetable, but sufficiently in advance of the end of the 7th year to allow a summary of the recommendations of these advisory bodies to be included in the notice described in subsections (c)—(e).

(c) *Notice required 30 days or more before commencement of review.* The governing body conducting a 7-year review shall, at least 30 days prior to the commencement of a 7-year review, provide notice of the 7-year review of the ASA and the public hearing to be held as part of that review.

(d) *Notice procedure.* The notice described in subsection (c) shall be accomplished by doing the following:

(1) Publishing a hearing notice in a newspaper having general circulation in the area in which the ASA is located.

(2) Providing a written hearing notice to any person owning land within the ASA.

(3) Posting a written hearing notice in at least five conspicuous places within, adjacent to or near the ASA.

(e) *Contents of hearing notice.* The hearing notice described in subsection (d) shall contain the following:

(1) A statement of the time, date and location of the public hearing.

(2) A general description of the ASA being reviewed.

(3) A general description of the recommendations of the planning commission, the county planning commission and the advisory committee.

(4) Notification that interested persons may, within 30 days of the date of the notice, submit proposed modifications to the ASA to the governing body.

(f) *Public hearing required between 120 and 180 days before the end of the 7th year.* The governing body conducting a 7-year review shall, at least 120 days prior to the end of the 7th year and no more than 180 days prior to the end of the 7th year, conduct a public hearing to review the ASA.

(g) *Location of public hearing.* The public hearing described in subsection (e) shall be held at a place either within the ASA or at a location readily accessible to the ASA—such as a nearby municipal building.

(h) *Factors to be considered by governing body.* The governing body shall consider the factors in § 138l.19(b) (relating to decision of local government unit) in reaching its decision to approve the ASA without change, modify the ASA or terminate the ASA.

(i) *Decision of governing body.* The governing body conducting a 7-year review shall, following the public hearing, approve the ASA without change, modify the ASA or terminate the ASA.

(j) *Notice of decision.* The governing body conducting a 7-year review shall provide notice of its decision in accordance with § 138l.20 (relating to notice of decision of local government unit).

(k) *Failure to act is deemed to be approval of the ASA without modification.* If the governing body fails to complete the steps in subsections (a)—(i) prior to the end of the 7th year, or if a proposed modification to the ASA is rejected, the ASA shall be deemed to be readopted without modification for another 7 years.

(l) *Recording a modification of an ASA or a termination of an ASA.* If the governing body modifies an ASA or terminates an ASA it shall, within 10 days of its decision, file a notice of termination or modification with the following:

- (1) The recorder of deeds of any county within which the ASA is located.
- (2) The county planning commission.
- (3) The planning commission of the local government unit.

(m) *Responsibility of the recorder.* A recorder of deeds receiving a notice of termination or modification of an ASA from a governing body as described in subsection (l) shall record the description in a manner sufficient to give notice to all persons who have an interest in land within the ASA or in lands adjoining the ASA.

## **§ 138l.52. Interim review.**

(a) *Discretion.* If 10% or more of the land within an ASA is diverted to residential or nonagricultural commercial development at any time prior to a 7-year review of the ASA, the governing body may review the ASA and consider modifying or terminating the ASA, in accordance with the procedure in this section.

(b) *Advisory bodies to be consulted.* If the governing body elects to pursue the interim review described in subsection (a), it shall request, in writing, that the planning commission, the county planning commission and the advisory committee review the ASA and make recommendations with respect to

modification or termination of the ASA within 30 days of receiving the written request.

(c) *Responsibility of advisory bodies.* The advisory bodies referenced in subsection (b) shall issue written recommendations within 30 days of receiving a request for recommendations from the governing body.

(d) *Public hearing requirements.* If the governing body elects to pursue the interim review described in subsection (a), it shall conduct a public hearing no sooner than 45 days after it submits its request for recommendations to the planning commission, the county planning commission and the advisory committee. The governing body shall provide the same notice for the public hearing as is described in § 1381.18(b) and (c) (relating to public hearing by local government unit on ASA proposal).

(e) *Location of public hearing.* The public hearing described in subsection (d) shall be held at a place either within the proposed ASA or at a location readily accessible to the proposed ASA—such as a nearby municipal building.



# **Agricultural Security Area Handbook**



## ***Section 8.3:*** **Right to Farm Law**

## The "Right-to-Farm" Law

The following is an "unofficial" copy of the statute commonly referred to as Pennsylvania's "Right-to-Farm" Law. The *official* version of this statute is the Act of June 10, 1982 (P.L. 454, No. 133), as amended.

*This unofficial version is a retyped copy of the statute as it is published at 3 P.S. §§ 951-957. Section numbers ("951", "952" etc...) refer to sections from Title 3 of Purdon's Pennsylvania Statutes.*

This retyped unofficial version reflects statutory revisions to the Right-to-Farm Law through the Act of May 15, 1998 (P.L. 441, No. 58). This document was last reviewed and updated on September 30, 2010.

If any provision of this document conflicts with the official version of the statute, the *official* version shall control.

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### PROTECTION OF AGRICULTURAL OPERATIONS FROM NUISANCE SUITS AND ORDINANCES

#### Section

- 951. Legislative policy.
- 952. Definitions.
- 953. Limitation on local ordinances.
- 954. Limitation on public nuisances.
- 955. Water damages.
- 956. Saving clause.
- 957. Severability.

#### § 951. Legislative policy.

It is declared policy of the Commonwealth to conserve and protect and encourage the development and improvement of its agricultural land for the production of food and other agricultural products. When nonagricultural land uses extend into agricultural areas, agricultural operations often become the subject of nuisance suits and ordinances. As a result, agricultural operations are sometimes forced to cease operations. Many others are discouraged from making investments in farm improvements. It is the purpose

of this act to reduce the loss to the Commonwealth of its agricultural resources by limiting the circumstances under which agricultural operations may be the subject matter of nuisance suits and ordinances.

1982, June 10, P.L. 454, No. 133, § 1, effective in 60 days.

## § 952. Definitions

The following words and phrases when used in this act shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

“Agricultural commodity.” Any of the following transported or intended to be transported in commerce:

- (1) Agricultural, aquacultural, horticultural, floricultural, viticultural or dairy products.
- (2) Livestock and the products of livestock.
- (3) Ranch-raised fur-bearing animals and the products of ranch-raised fur-bearing animals.
- (4) The products of poultry or bee raising.
- (5) Forestry and forestry products.
- (6) Any products raised or produced on farms intended for human consumption and the processed or manufactured products of such products intended for human consumption.

“Municipality.” A county, city, borough, incorporated town, township or a general purpose unit of government as established by the act of April 13, 1972 (P.L. 184, No. 62),<sup>1</sup> known as the “Home Rule Charter and Optional Plans Law.”

“Normal agricultural operation.” The activities, practices, equipment and procedures that farmers adopt, use or engage in the production and preparation for market of poultry, livestock and their products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities and is:

- (1) not less than ten contiguous acres in area; or
- (2) less than ten contiguous acres in area but has an anticipated yearly gross income of at least \$10,000.

The term includes new activities, practices, equipment and procedures consistent with technological development within the agricultural industry. Use of equipment shall include machinery designed and used for agricultural operations, including, but not limited to, crop dryers, feed grinders, saw mills, hammer mills, refrigeration equipment, bins and related equipment used to store or prepare crops for marketing and those items of agricultural equipment and machinery defined by the act of December 12, 1994 (P.L.

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<sup>1</sup> 53 P.S. § 1-101 *et seq.* (repealed); 53 Pa.C.S.A. § 2901 *et seq.*

944, No. 134),<sup>2</sup> known as the Farm Safety and Occupational Health Act. Custom work shall be considered a normal farming practice.

Amended 1996, June 12, P.L. 336, No. 52, § 1, imd. Effective, 1998, May 15, P.L. 441, No. 58 § 1, imd. Effective.

### **§ 953 Limitation on local ordinances.**

(a) Every municipality shall encourage the continuity, development and viability of agricultural operations within its jurisdiction. Every municipality that defines or prohibits a public nuisance shall exclude from the definition of such nuisance any agricultural operation conducted in accordance with normal agricultural operations so long as the agricultural operation does not have a direct adverse effect on the public health and safety.

(b) Direct commercial sales of agricultural commodities upon property owned and operated by a landowner who produces not less than 50% of the commodities sold shall be authorized, notwithstanding municipal ordinance, public nuisance or zoning prohibitions. Such direct sales shall be authorized without regard to the 50% limitation under circumstances of crop failure due to reasons beyond the control of the landowner.

1982, June 10, P.L. 454, No. 133 § 3, effective in 60 days. Amended 1992, March 19, P.L. 17, No. 6, § 1, effective in 60 days.

### **§ 954. Limitation on public nuisances**

(a) No nuisance action shall be brought against an agricultural operation which has lawfully been in operation for one year or more prior to the date of bringing such action, where the conditions or circumstances complained of as constituting the basis for the nuisance action have existed substantially unchanged since the established date of operation and are normal agricultural operations, or if the physical facilities of such agricultural operations are substantially expanded or substantially altered and the expanded or substantially altered facility has either: (1) been in operation for one year or more prior to the date of bringing such action, or (2) been addressed in a nutrient management plan approved prior to the commencement of such expanded or altered operation pursuant to section 6 of the act of May 20, 1993 (P.L. 12, No. 6),<sup>3</sup> known as the Nutrient Management Act, and is otherwise in compliance therewith: Provided, however, That nothing herein shall in any way restrict or impede the authority of this State from protecting the public health, safety and welfare or the authority of a municipality to enforce State law.

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<sup>2</sup> 3 P.S. § 1901 *et seq.*

<sup>3</sup> 3 P.S. § 1706 (repealed); see now, 3 Pa.C.S.A. § 506.

(b) The provisions of this section shall not affect or defeat the right of any person, firm or corporation to recover damages for any injuries or damages sustained by them on account of any agricultural operation or any portion of an agricultural operation which is conducted in violation of any Federal, State or local statute or governmental regulation which applies to that agricultural operation or portion thereof.

Amended 1998, May 15, P.L. 441, No. 58, § 2, effective in 60days.

### **§ 955. Water damages**

The provisions of section 4<sup>4</sup> shall not affect or defeat the right of any person, firm or corporation to recover damages for any injuries or damages sustained by him or it on account of any pollution of, or change in condition of, the waters of any stream or on account of any flooding of lands to any such person, firm or corporation.

1982, June 10, P.L. 454, No. 133, § 5, effective in 60 days.

### **§ 956. Saving clause**

(a) This act shall not be construed to invalidate any contract made prior to its effective date nor shall it be construed to apply to any suit brought prior to its effective date.

(b) The provisions of this act shall not affect or defeat the intent of any federal, state or local statute or governmental regulation except nuisance ordinances as they apply to any normal agricultural operation.

1982, June 10, P.L. 454, No. 133, § 6, effective in 60 days.

### **§ 957. Severability**

If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

1982, June 10, P.L. 454, No. 133, § 7, effective in 60 days.

END

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<sup>4</sup> 3 P.S. § 954.

# **Agricultural Security Area Handbook**



***Section 8.4:***

**ACRE –**

**Agriculture, Communities,  
and Rural Environment**

**UNOFFICIAL COPY:**

**ACT 38 OF 2005**

**ACRE Provisions Relating to  
Review of Local Ordinances**

**CHAPTER 3  
LOCAL REGULATION**

Subchapter

- A. Preliminary Provisions
- B. Normal Agricultural Operations

**SUBCHAPTER A  
PRELIMINARY PROVISIONS**

Sec.

- 311. Scope.
- 312. Definitions.

**§ 311. Scope.**

This chapter deals with local regulation of normal agricultural operations.

**§ 312. Definitions.**

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

**"Local government unit."** A political subdivision of the Commonwealth.

**"Normal agricultural operation."** As defined under section 2 of the act of June 10, 1982 (P.L.454, No.133), entitled, "An act protecting agricultural operations from nuisance suits and ordinances under certain circumstances."

**"Unauthorized local ordinance."** An ordinance enacted or enforced by a local government unit which does any of the following:

(1) Prohibits or limits a normal agricultural operation unless the local government unit:

(i) has expressed or implied authority under State law to adopt the ordinance; and

(ii) is not prohibited or preempted under State law from adopting the ordinance.

(2) Restricts or limits the ownership structure of a normal agricultural operation.

## **SUBCHAPTER B NORMAL AGRICULTURAL OPERATIONS**

Sec.

313. Certain local government unit actions prohibited.

314. Duties of Attorney General.

315. Right of action.

316. Commonwealth Court masters.

317. Attorney fees and costs.

318. Reports to General Assembly.

### **§ 313. Certain local government unit actions prohibited.**

(a) **Adoption and enforcement of unauthorized local ordinances.**--A local government unit shall not adopt nor enforce an unauthorized local ordinance.

(b) **Existing local ordinances.**--This chapter shall apply to the enforcement of local ordinances existing on the effective date of this section and to the enactment or enforcement of local ordinances enacted on or after the effective date of this section.

(c) **Construction.**--Notwithstanding the provisions of this section, nothing in this chapter shall be construed to diminish, expand or otherwise affect the legislative or regulatory authority of local government units under State law, including the following:

(1) Chapter 5 (relating to nutrient management and odor management).

(2) The regulation, control or permitting procedures for the land application of class A or B biosolids.

### **§ 314. Duties of Attorney General.**

(a) **Request for review.**--An owner or operator of a normal agricultural operation may request the Attorney General to review a local ordinance believed to be an unauthorized local ordinance and to consider whether to bring legal action under section 315(a) (relating to right of action).

(b) **Discretion.**--The Attorney General has the discretion whether to bring an action under section 315(a).

(c) **Response.**—Within 120 days after receiving a request under subsection (a), the Attorney General shall advise the person that made the request whether or not the Attorney General will bring legal action under section 315(a). If the request under subsection (a) is in writing, the response shall be in writing.

(d) **Consultation.**—The secretary and the dean of the College of Agricultural Sciences at The Pennsylvania State University shall, upon request of the Attorney General, provide expert consultation regarding the nature of normal agricultural operations in this Commonwealth.



### **§ 315. Right of action.**

(a) **Attorney General action.**--The Attorney General may bring an action against the local government unit in Commonwealth Court to invalidate the unauthorized local ordinance or enjoin the enforcement of the unauthorized local ordinance.

(b) **Other party action.**--Notwithstanding any provision of 42 Pa.C.S. Ch. 85 Subch. C (relating to actions against local parties), any person who is aggrieved by the enactment or enforcement of an unauthorized local ordinance may bring an action against the local government unit in Commonwealth Court to invalidate the unauthorized local ordinance or enjoin the enforcement of the unauthorized local ordinance.

### **§ 316. Commonwealth Court masters.**

(a) **General rule.**--The Commonwealth Court may promulgate rules for the selection and appointment of masters on a full-time or part-time basis for actions brought under section 315 (relating to right of action). A master shall be a member of the bar of this Commonwealth. The number and compensation of masters shall be fixed by the Commonwealth Court and their compensation shall be paid by the Commonwealth.

(b) **Hearings before masters.**--The Commonwealth Court may direct that hearings in actions brought under section 315 be conducted in the first instance by the master in the manner provided for in this subchapter.

(c) **Recommendations of masters.**--Upon the conclusion of a hearing before a master, the master shall transmit written findings and a recommendation for disposition to the president judge. Prompt written notice and copies of the findings and recommendations shall be given to the parties to the proceeding.

(d) **Rehearing before president judge.**--The findings and recommendations of the master shall become the findings and order of the Commonwealth Court upon written confirmation by the president judge. A rehearing may be ordered by the president judge at any time upon cause shown.

### **§ 317. Attorney fees and costs.**

In an action brought under section 315(b) (relating to right of action), the court may do any of the following:

(1) If the court determines that the local government unit enacted or enforced an unauthorized local ordinance with negligent disregard of the limitation of authority established under State law, it may order the local government unit to pay the plaintiff reasonable attorney fees and other litigation costs incurred by the plaintiff in connection with the action.

(2) If the court determines that the action brought by the plaintiff was frivolous or was brought without substantial justification in claiming that the local ordinance in question was unauthorized, it may order the plaintiff to pay the local government unit reasonable attorney fees and other litigation costs incurred by the local government unit in defending the action.

**§ 318. Reports to General Assembly.**

The Attorney General shall provide to the chairman and the minority chairman of the Senate Committee on Agricultural and Rural Affairs and the chairman and minority chairman of the Agricultural and Rural Affairs Committee of the House of Representatives an annual report to include the following:

- (1) Information on how many reviews were requested, the nature of the complaints and the location of the ordinances cited.
- (2) Information on how many reviews were conducted.
- (3) Information on how many legal actions were brought by the Attorney General.
- (4) Information on the outcome of legal actions brought by the Attorney General.

# **Agricultural Security Area Handbook**



## ***Section 8.5:*** **List of Established ASAs**

		<u>COUNTY</u>	<u>TOWNSHIP</u>	<u>ACRES</u>	<u>LAND OWNERS</u>	<u>PARCELS</u>	<u>CREATED</u>	<u>7-YEAR REVIEW</u>	<u>LAST RECORDED ACTION</u>	<u>DATE UPDATED</u>
1	1	Adams	Berwick	851	10	10	02/05/96			03/09/06
2	2	Adams	Butler I & II	6,894	69	80	06/14/90		05/16/11	06/06/11
3	3	Adams	Conewago	1,604	12	14	06/21/94			03/09/06
4	4	Adams	Cumberland I	5,222	45	56	11/03/82		07/01/09	08/24/09
5	5	Adams	Franklin I	1,533	13	26	01/22/91	02/10/12	02/10/12	02/16/12
6	6	Adams	Franklin II	6,446	67	83	05/02/92	10/21/18	10/21/11	12/01/11
7	7	Adams	Franklin III	1,076	19		09/08/93	03/11/08	03/11/08	03/28/08
8	8	Adams	Franklin IV	1,173	10	13	06/06/02	09/03/09	09/15/09	06/06/11
9	9	Adams	Freedom	2,840	57	36	11/01/91	06/08/05	05/14/09	06/02/09
10	10	Adams	Germany	1,759	22		10/21/91	10/21/98		03/09/06
11	11	Adams	Hamilton	3,345	59		09/04/90	09/04/97		03/09/06
12	12	Adams	Hamiltonban	5,486	31	41	09/20/82	09/20/89	02/09/11	02/16/11
13	13	Adams	Highland	3,048	30		12/16/91	12/16/98		03/09/06
14	14	Adams	Huntington	6,832	55	4	09/05/91	09/05/98	06/15/09	06/29/09
15	15	Adams	Latimore I & II	3,818	22		01/20/83	01/20/90		03/09/06
16	16	Adams	Liberty	804	9		01/06/94	01/06/01		03/09/06
17	17	Adams	Menallen I	9,131	119		09/17/90	09/17/97		03/09/06
18	18	Adams	Mount Joy	7,259	115	160	08/29/89	08/29/96	08/27/10	07/02/10
19	19	Adams	Mount Pleasant I-VI	9,985	131		05/04/90	05/04/97		03/09/06
20	20	Adams	Oxford	908	12		11/14/91	11/14/98		03/09/06
21	21	Adams	Reading	5,644	62	7	07/08/91	07/08/98	12/02/14	04/15/15
22	22	Adams	Straban	1,347	13	15	10/24/90	12/03/19	12/04/12	12/21/12
23	23	Adams	Tyrone I-III	3,865	35	1	05/14/92	05/14/99	08/12/09	10/07/09
24	24	Adams	Union I-III	4,318	56		06/12/90	06/12/97		03/09/06
				<b>95,189</b>						
25	1	Allegheny	Forward	2,569	27	37	10/01/96	09/15/03	07/05/07	01/02/08
26	2	Allegheny	Frazer	764	12	23	09/25/01	09/25/08	04/26/04	01/31/06
27	3	Allegheny	North Hills	3,218	67	99	09/16/93	09/16/01	11/30/94	02/27/06
28	4	Allegheny	West Deer	1,743	33	36	08/25/93	08/25/00	09/23/15	10/29/15
29	5	Allegheny	South Fayette	2,208	44	66	10/14/98	09/19/05		02/27/05
30	6	Allegheny	North Fayette	560	12	11	07/17/14		02/06/15	07/01/15
31	7	Allegheny	Pine	57	2	1	08/16/93		07/01/15	09/18/15
				<b>11,118</b>						
32	1	Armstrong	Bethel	1,870	28	37	11/10/93	07/03/07	07/13/07	07/03/07
33	2	Armstrong	Boggs	2,824	25	34	04/14/93	08/04/07	08/13/07	09/18/07
34	3	Armstrong	Burrell	2,740	26	40	02/12/01	02/12/08	02/12/01	01/31/06
35	4	Armstrong	East Franklin	1,045	23	34	10/02/08	10/02/15	10/02/08	10/20/08
36	5	Armstrong	Giplin	1,860	23	34	12/23/92		12/23/92	01/31/06
37	6	Armstrong	Kiskiminetas	5,261	120	144	06/22/90	03/17/04	02/22/12	06/15/12
38	7	Armstrong	Kittanning	2,777	27	42	02/28/97		02/28/97	01/31/06
39	8	Armstrong	Mahoning	1,293	12	14	06/22/01	10/19/10	09/18/15	11/20/15
40	9	Armstrong	Manor	3,054	34	56	06/25/92	10/09/08	06/25/92	01/31/06
41	10	Armstrong	North Buffalo	3,539	35	53	11/05/90	11/05/97	05/15/07	06/25/07

		<u>COUNTY</u>	<u>TOWNSHIP</u>	<u>ACRES</u>	<u>LAND OWNERS</u>	<u>PARCELS</u>	<u>CREATED</u>	<u>7-YEAR REVIEW</u>	<u>LAST RECORDED ACTION</u>	<u>DATE UPDATED</u>
42	11	Armstrong	Parks	2,381	49	81	08/18/97		08/18/97	01/31/06
43	12	Armstrong	Plumcreek	3,536	35	61	10/13/94	10/09/08	10/09/08	11/24/08
44	13	Armstrong	Redbank	1,168	4	18	07/12/11	07/12/18	07/18/11	08/10/11
45	14	Armstrong	South Bend	1,901	11	26	03/10/95		09/04/09	10/07/09
46	15	Armstrong	South Buffalo	2,825	41	65	12/14/93		12/14/93	01/31/06
47	16	Armstrong	Sugarcreek	1,150	6	14				
48	17	Armstrong	Valley	3,698	21	47	03/13/02	03/13/09	05/04/09	06/22/09
49	18	Armstrong	Wayne	772	4	6	08/01/06		08/01/06	07/26/07
50	19	Armstrong	West Franklin	4,036	35	88	08/13/90	06/01/04	12/22/11	01/24/12
				<b>47,730</b>						
51	1	Beaver	Brighton	2,319	44		10/11/93	10/11/00		
52	2	Beaver	Darlington	3,597	57		09/11/95	09/11/02		
53	3	Beaver	Daugherty	898						
54	4	Beaver	Franklin	2,574	31		01/12/94	01/12/01		
55	5	Beaver	Greene	6,147	117	172	11/05/91	11/05/12	12/05/12	12/12/12
56	6	Beaver	Hanover	6,116	288		10/10/89	10/10/96		
57	7	Beaver	Independence	4,866	62	6	11/14/90	11/14/97	09/21/11	11/04/11
58	8	Beaver	Industry	810						
59	9	Beaver	Marion	2,386	24		09/10/90	08/18/11	08/18/11	09/01/11
60	10	Beaver	New Sewickley	4,113	74		10/02/90	10/02/97	06/13/11	07/11/11
61	11	Beaver	North Sewickley	1,965	18		09/14/95	09/14/02		
62	12	Beaver	Ohioville	3,809	11		04/11/91	04/11/98		
63	13	Beaver	Raccoon	4,624	181	241	05/14/91	05/14/98	10/27/11	12/01/11
64	14	Beaver	South Beaver	2,365	62	38	08/08/95	08/08/02	10/16/14	11/18/14
				<b>46,590</b>						
65	1	Bedford	Bedford	9,179	52	55	01/04/83	09/02/10	09/02/10	11/12/10
66	2	Bedford	Bloomfield	5,162	36		03/07/95	03/07/02		
67	3	Bedford	Colerain	10,445	48		12/07/82	12/07/89		
68	4	Bedford	Cumberland Valley	9,617	49		05/30/89	05/30/96		
69	5	Bedford	East Providence	9,220	79		08/05/95	08/05/02		
70	6	Bedford	West Providence	959	4		04/21/01	05/15/01		
71	7	Bedford	East St.Clair	1,750	16	1	03/04/97	03/04/11	10.2.12	12.12.12
72	8	Bedford	Hopewell	6,239	41		07/13/92	07/13/99		
73	9	Bedford	Juniata	4,451	38		01/03/95	01/03/02		
74	10	Bedford	Kimmell	2,306	28		06/07/99	06/07/06		
75	11	Bedford	King	2,432	12		04/02/96	04/02/03		
76	12	Bedford	Londonberry	4,695	44		04/03/95	04/03/02		
77	13	Bedford	Monroe	11,659	85	1	11/06/95	11/06/02	09/04/07	09/18/07
78	14	Bedford	Napier	3,910	31		09/01/98	09/01/05		
79	15	Bedford	Snake Spring	8,085	57		03/01/83	03/01/90		
80	16	Bedford	Southampton	11,570	190		03/07/95	03/07/02		
81	17	Bedford	South Woodbury	7,242	45		09/03/91	09/03/98		
82	18	Bedford	West Providence	1,787	11		10/03/94	10/03/01		

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83	19	Bedford	West St. Clair	959	4		10/04/00	10/04/07		
84	20	Bedford	Woodbury	7,032	55	11	03/24/83	03/24/90	05/01/08	06/09/08
				<b>118,699</b>						
85	1	Berks	Albany	11,743	113	163	06/27/91	08/13/98	12/05/14	04/14/15
86	2	Berks	Amity	1,771	28	40	09/04/90	02/20/05	03/22/13	07/03/14
87	3	Berks	Bern	2,237	21	48	08/01/95	01/17/06	12/09/14	04/14/15
88	4	Berks	Bethel	8,721	36	113	05/01/89	10/18/10	10/18/10	11/22/10
89	5	Berks	Brecknock	2,070	56	63	10/09/03	10/09/10	05/03/12	06/15/12
90	6	Berks	Caernarvon	1,195	22	63	07/11/95	11/20/02	11/28/07	12/15/08
91	7	Berks	Centre	7,743	99	128	02/20/90	10/20/10	07/24/15	09/22/15
92	8	Berks	Colebrookdale	2,027	30	49	06/29/89	06/29/03	05/15/06	06/12/06
93	9	Berks	District	2,044	26	50	09/10/91	02/04/99	07/23/99	02/21/06
94	10	Berks	Douglass	2,263	13	23	10/26/88	11/01/03	09/07/04	02/21/06
95	11	Berks	Greenwich	8,939	88	134	06/03/88	11/01/03	07/01/13	06/09/14
96	12	Berks	Heidelberg	3,838	37	50	05/26/89	11/30/03	10/28/10	12/03/10
97	13	Berks	Hereford	3,592	59	86	09/19/89	02/13/04	09/26/03	02/21/06
98	14	Berks	Jefferson	5,004	67	78	02/07/89	10/24/02	01/11/13	02/01/13
99	15	Berks	Longswamp	4,031	47	107	11/03/89	11/03/04	11/03/04	01/31/06
100	16	Berks	Lower Heidleberg	2,112	26	26	02/28/92	02/28/99	04/14/11	04/28/11
101	17	Berks	Maidencreek	2,198	34	41	08/18/89	03/19/10	11/10/11	12/01/11
102	18	Berks	Marion	6,463	59	85	11/26/91	09/14/05	11/25/14	04/17/15
103	19	Berks	Maxatawny	8,588	73	133	05/10/89	05/10/03	02/24/04	01/31/06
104	20	Berks	North Heidleberg	3,520	39	59	02/18/92	02/18/99	09/23/15	11/05/15
105	21	Berks	Oley	11,705	127	203	10/12/84	12/13/11	12/05/07	01/02/08
106	22	Berks	Penn	4,026	56	84	05/31/89	05/31/03	05/20/13	05/31/13
107	23	Berks	Perry	2,277	55	98	08/09/90	08/09/04	12/11/14	04/14/15
108	24	Berks	Richmond	8,877	92	113	02/09/88	06/20/03	12.10.12	02/01/13
109	25	Berks	Robeson	2,579	45	79	07/22/94	07/22/01	05/20/04	01/31/06
110	26	Berks	Rockland	3,731	75	95	01/02/96	01/02/03	12/13/11	01/24/12
111	27	Berks	Ruscombanor	962	36	54	01/24/92	09/06/12	09/06/12	12.12.12
112	28	Berks	South Heidelberg	1,686	22	82	03/22/90	03/22/04	05/23/02	01/31/06
113	29	Berks	Spring	1,114	22	21	11/23/99	01/23/12	01/23/12	02/16/12
114	30	Berks	Tilden	5,755	76	91	01/16/90	10/13/10	10/13/10	11/22/10
115	31	Berks	Tulpehocken	8,341	91	145	11/03/89	11/03/03	06/11/14	07/10/14
116	32	Berks	Union	1,582	1	43	09/10/02	09/10/09	11/21/03	01/31/06
117	33	Berks	Upper Bern	4,646	62	102	09/25/89	10/03/11	10/03/11	11/04/11
118	34	Berks	Upper Tulpehocken	5,905	74	101	09/11/90	09/11/10	01/07/13	02/01/13
119	35	Berks	Washington	4,429	59	62	07/13/89	08/20/10	10/03/13	10/16/13
120	36	Berks	Windsor	6,078	39	72	11/30/89	11/30/96	12/18/03	01/31/06
				<b>163,793</b>						
121	1	Blair	Antis	2,326	24	33	10/04/94	04/12/01	10/20/15	11/17/15
122	2	Blair	Catharine	4,001	20	28	11/11/91		02/27/96	03/07/06
123	3	Blair	Frankstown	2,024	10	17	01/23/03	01/23/10		02/28/06

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124	4	Blair	Greenfield	1,143	12	11			07/11/06	08/31/07
125	5	Blair	Huston	7,803	43	73	07/21/91		10/05/06	10/24/07
126	6	Blair	North Woodbury	8,030	66	189	07/06/92		09/10/08	10/06/08
127	7	Blair	Snyder	1,952	18	29	12/07/93			03/07/06
128	8	Blair	Taylor	4,305	35	51	06/20/91		04/13/10	04/26/10
129	9	Blair	Tyrone	14,102	69	139	05/08/85	05/05/00		03/07/06
130	10	Blair	Woodbury	5,939	29	63	01/13/92		08/01/11	08/10/11
				<b>51,624</b>						
131	1	Bradford	Albany	845	7	14	01/09/03			03/07/06
132	2	Bradford	Athens	6,967	57	80	03/31/82	07/08/02	08/03/09	03/07/06
133	3	Bradford	Asylum	2,890	22	40	02/11/91			03/07/06
134	4	Bradford	Burlington	4,347	34	50	10/01/90		08/03/09	03/07/06
135	5	Bradford	Columbia	5,825	46	60	07/16/91			03/07/06
136	6	Bradford	Franklin	2,034	26	35	08/06/90			03/07/06
137	7	Bradford	Granville	7,597	68	114	07/01/90	10/10/05		03/07/06
138	8	Bradford	Herrick	5,796	68	91	04/11/90		02/01/98	03/07/06
139	9	Bradford	LeRaysville Borough	355	6	7				03/07/06
140	10	Bradford	Leroy	4,344	51	76	11/04/91			03/07/06
141	11	Bradford	Litchfield	4,230	38	54	01/01/91			03/07/06
142	12	Bradford	Monroe	2,491	33	48	03/06/91			03/07/06
143	13	Bradford	North Towanda	1,546	9	13	06/19/90	01/09/98	01/09/98	03/07/06
144	14	Bradford	Orwell	10,795	81	115	06/22/90	04/11/02	04/09/09	03/07/06
145	15	Bradford	Overton	473	1	1				09/07/12
146	16	Bradford	Pike	6,977	50	76	04/18/91	12/20/04	12/20/04	03/07/06
147	17	Bradford	Ridgebury	2,653	17	37				09/07/12
148	18	Bradford	Rome	3,832	38	51	09/01/87			03/07/06
149	19	Bradford	Sheshequin	4,973	38	70	11/15/89	04/11/05	08/14/95	03/07/06
150	20	Bradford	Smithfield	8,842	122	82	10/25/90		03/23/07	09/07/12
151	21	Bradford	South Creek	4,653	40	58	05/23/91	07/23/01	07/23/01	03/07/06
152	22	Bradford	Springfield	6,468	39	59	09/12/90	12/05/94	08/29/07	09/07/12
153	23	Bradford	Standing Stone	4,618	57	68	02/11/91	11/12/98		03/07/06
154	24	Bradford	Terry	4,333	62	78	08/06/90			03/07/06
155	25	Bradford	Towanda	1,268	11	11	11/27/90	04/11/05	04/05/05	03/07/06
156	26	Bradford	Troy	6,060	52	74	08/03/87	11/24/04	04/30/09	09/07/12
157	27	Bradford	Tuscarora	4,989	71	89	09/30/89	09/16/03	03/14/07	09/07/12
158	28	Bradford	Ulster	3,059	28	41	02/04/91		06/10/93	03/07/06
159	29	Bradford	Warren	7,356	67	98	10/01/90	10/18/04	10/18/94	03/07/06
160	30	Bradford	Wells	3,930	42	61	09/06/88	06/12/03	06/07/12	09/07/12
161	31	Bradford	West Burlington	2,888	41	46	04/01/90			09/07/12
162	32	Bradford	Wilmot	8,154	73	103	09/04/90			03/08/06
163	33	Bradford	Windham	4,235	46	58	05/07/90	10/01/04	10/01/04	09/07/12
164	34	Bradford	Wyalusing	2,863	31	49	11/01/96	11/25/03	11/25/03	09/07/12
				<b>152,684</b>						

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165	1	Bucks	Bedminster	5,421	91	171	03/09/88	03/09/95		02/16/06
166	2	Bucks	Buckingham	4,582	71	71	11/14/85	11/14/92		02/16/06
167	3	Bucks	Doylestown	1,162	21	25	10/15/91	10/15/98		02/16/06
168	4	Bucks	Durham	1,778	42	22	09/12/90	09/12/04	10/03/14	05/21/15
169	5	Bucks	Haycock	1,182	58	52	09/20/07	09/20/14	11/11/08	06/09/09
170	6	Bucks	Hilltown	3,763	200	200	07/28/86	07/28/07		02/16/06
171	7	Bucks	Lower Makefield	1,396	24	28	03/18/91	03/18/98		02/16/06
172	8	Bucks	Milford	1,504	111	186	04/07/92	06/01/05	08/29/08	09/15/08
173	9	Bucks	Nockamixon	2,414	61	87	07/01/89	03/21/05	03/04/13	07/14/14
174	10	Bucks	Northampton	279	8	8	01/01/98			02/16/06
175	11	Bucks	Plumstead/New Britian	2,977	57	83	05/07/91	05/07/98		02/16/06
176	12	Bucks	Richland	516	18	26	10/13/08	10/13/15	10/23/08	11/24/08
177	13	Bucks	Solebury	5,477	174	216	01/12/86	01/12/93	11/21/06	10/24/07
178	14	Bucks	Springfield	3,907	81	123	10/14/86	10/14/93	02/28/13	06/11/14
179	15	Bucks	Tinicum	3,222	67	98	03/07/89	03/07/96		02/16/06
180	16	Bucks	Upper Makefield	1,538	19	30	10/18/95	10/18/02	05/11/12	06/15/12
181	17	Bucks	Warwick	1,162	5	7	12/12/88	12/12/95		02/16/06
182	18	Bucks	West Rockhill	581	23	28	01/01/99		04/24/13	04/26/13
				<b>42,861</b>						
183	1	Butler	Adams	3,785	66	1	12/13/93	12/13/00	09/14/06	10/24/07
184	2	Butler	Brady	1,599	33		08/21/96	08/21/03		
185	3	Butler	Buffalo	3,131	51	2	08/06/96	08/06/10	10/15/13	10/28/13
186	4	Butler	Butler	1,749	56	51	05/11/92	07/20/15	07/22/15	08/25/15
187	5	Butler	Center	1,741	14		10/12/94	05/15/01		
188	6	Butler	Cherry	2,085	27		05/05/98	04/05/05	05/01/12	06/15/12
189	7	Butler	Clay	2,340	22		04/07/94	04/07/01		
190	8	Butler	Clearfield	2,863	41	31	02/13/96	02/13/03	10/01/15	12/29/15
191	9	Butler	Clinton	4,356	55	110	07/11/94	04/21/01	05/28/08	06/09/08
192	10	Butler	Concord	1,007	12		06/23/98	06/23/05		
193	11	Butler	Connoquenessing	2,599	21		02/12/91	02/12/98		
194	12	Butler	Cranberry	2,060	33		10/20/83	10/20/90		
195	13	Butler	Donegal	873	8		02/04/96	02/04/03		
196	14	Butler	Forward	3,372	32		09/12/95	09/12/02		
197	15	Butler	Franklin	827	18	25	10/03/94	10/14/08	10/14/08	10/31/08
198	16	Butler	Jackson	1,508	13		01/18/96	01/18/03		
199	17	Butler	Jefferson	4,337	73		05/11/92	02/11/13	02/21/13	06/09/14
200	18	Butler	Lancaster	2,413	51	43	05/02/95	08/25/09	08/25/09	10/07/09
201	19	Butler	Mercer	2,753	28		05/10/99	05/10/06		
202	20	Butler	Middlesex	2,122	29		11/15/95	11/15/02		
203	21	Butler	Muddy Creek	1,923	39	45	11/11/92	10/16/13	10/24/13	189/2014
204	22	Butler	Oakland	1,785	25		09/11/95	09/11/02		
205	23	Butler	Penn	523	18	13	08/12/09	08/12/16	12/04/09	02/02/10
206	24	Butler	Winfield	4,157	84	80	10/31/91	11/10/10	11/10/10	11/22/10
207	25	Butler	Worth	4,473	44		07/06/04	07/06/11		
				<b>60,382</b>						



		<u>COUNTY</u>	<u>TOWNSHIP</u>	<u>ACRES</u>	<u>LAND OWNERS</u>	<u>PARCELS</u>	<u>CREATED</u>	<u>7-YEAR REVIEW</u>	<u>LAST RECORDED ACTION</u>	<u>DATE UPDATED</u>
208	1	Cambria	Adams	1,777	26	35	02/13/06	02/13/13		03/07/06
209	2	Cambria	Allegheny	5,418	37	67	12/08/93		11/04/05	01/31/06
210	3	Cambria	Barr	2,602	11	11	12/14/92		12/14/92	01/31/06
211	4	Cambria	Cambria	3,384	17	27	08/30/02	08/30/09	02/16/15	03/18/15
212	5	Cambria	Chest	789	4	14	03/03/04			05/09/06
213	6	Cambria	Clearfield	9,586	87	128	11/20/91	09/06/98	01/25/02	01/31/06
214	7	Cambria	Croyle	1,094	16	19	08/21/01	08/21/08	08/21/01	01/31/06
215	8	Cambria	East Carroll	6,628	60	104	09/02/92	12/20/05	03/25/14	05/29/14
216	9	Cambria	Elder	311	4	4	02/04/14		04/04/14	05/27/14
217	10	Cambria	Jackson	3,735	61	100	10/30/96		12/17/12	02/01/13
218	11	Cambria	Munster	2,370	14	32	06/17/02	06/17/09	11/09/10	11/22/10
219	12	Cambria	Summerhill	1,181	13	18	08/19/01	08/19/08	08/19/01	01/31/06
220	13	Cambria	West Carroll	1,820	11	25	09/26/03	09/26/10	09/26/03	01/31/06
				<b>40,695</b>						
221	1	Carbon	East Penn	3,257	51	91	08/01/05	10/03/11	07/01/13	01/22/13
222	2	Carbon	Franklin	2,722	36	70	03/27/90	03/27/04	11/30/10	12/07/10
223	3	Carbon	Lehigh	3,770	29		04/15/96	04/15/03		
224	4	Carbon	Mahoning	1,959	20	48	06/03/92	11/24/99	10/25/00	03/28/06
225	5	Carbon	Packer	3,417	52	59	07/07/92		08/06/15	09/24/15
226	6	Carbon	Parryville Boro	589	17	25	11/06/89	12/01/97	08/06/06	07/26/07
227	7	Carbon	Penn Forest	147	2		11/01/95	11/01/02		
228	8	Carbon	Towamensing	3,109	46	3	09/03/91	09/03/98	02/14/08	02/20/08
				<b>18,971</b>						
229	1	Centre	Benner	2,197	14	23	07/03/89	None	None	02/21/06
230	2	Centre	College	1,219	11	12	08/01/93	None	None	02/21/06
231	3	Centre	Ferguson	14,182	78	118	05/09/89	06/04/01	None	02/21/06
232	4	Centre	Gregg	5,121	42	53	07/06/89	07/10/03	07/08/92	02/21/06
233	5	Centre	Haines	4,292	54	60	06/01/92	10/19/00	None	02/21/06
234	6	Centre	Halfmoon	5,354	52	71	05/09/88	11/13/03	None	02/21/06
235	7	Centre	Harris	3,174	45	55	10/11/93	10/13/03	07/29/94	02/21/06
236	8	Centre	Huston	1,858	15	20	06/01/92	None	None	02/21/06
237	9	Centre	Marion	4,430	19	30	05/13/91	05/08/01	01/07/92	02/21/06
238	10	Centre	Patton	7,337	30	68	05/18/94	None	None	02/21/06
239	11	Centre	Penn	2,993	30	36	03/05/92	01/23/02	None	02/21/06
240	12	Centre	Potter I	4,596	38	56	04/15/84	10/07/99	None	02/21/06
241	13	Centre	Potter II	11,143	99	139	07/13/87	07/06/02	08/27/95	02/21/06
242	14	Centre	Spring	3,225	32	34	09/14/87	None	None	02/21/06
243	15	Centre	Taylor	4,211	50	60	11/08/93	None	02/14/97	02/21/06
244	16	Centre	Walker	6,936	62	81	10/23/91	11/06/02	06/07/95	02/21/06
245	17	Centre	Worth	2,882	26	31	07/06/92	06/03/99	None	02/21/06
				<b>85,150</b>						

		<u>COUNTY</u>	<u>TOWNSHIP</u>	<u>ACRES</u>	<u>LAND OWNERS</u>	<u>PARCELS</u>	<u>CREATED</u>	<u>7-YEAR REVIEW</u>	<u>LAST RECORDED ACTION</u>	<u>DATE UPDATED</u>
246	1	Chester	Charlestown	1,854	43	72	06/22/98	None	None	02/22/06
247	2	Chester	East Bradford	2,090	26	62	09/10/85	None	03/19/12	06/15/12
248	3	Chester	East Brandywine	1,695	31	45	08/22/90	11/17/04	06/14/07	07/26/07
249	4	Chester	East Coventry	950	19	41	07/09/85	03/23/92	08/08/01	02/22/06
250	5	Chester	East Fallowfield	4,541	79	136	12/07/88	02/28/02	08/24/05	02/22/06
251	6	Chester	East Marlborough	4,273	52	94	04/10/89	None	None	02/22/06
252	7	Chester	East Nantmeal	4,753	48	106	07/02/92	None	09/04/03	02/22/06
253	8	Chester	East Nottingham	4,922	108	171	09/11/89	01/07/97	11/22/05	02/22/06
254	9	Chester	East Vincent	1,401	15	37	07/06/89	02/05/03	03/01/04	02/22/06
255	10	Chester	Elk	2,196	33	70	10/10/89	None	11/01/05	02/22/06
256	11	Chester	Franklin	2,000	36	49	10/01/92	None	06/22/09	06/06/11
257	12	Chester	Highland	6,740	74	129	01/07/91	07/17/07	08/01/05	02/22/06
258	13	Chester	Honey Brook	7,565	112	191	09/01/88	None	11/10/03	02/22/06
259	14	Chester	Kennett	1,265	41	68	08/14/04	09/01/04	None	02/22/06
260	15	Chester	London Britian	804	10	30	11/27/89	None	06/15/01	02/22/06
261	16	Chester	London Grove	4,769	98	183	01/03/89	None	12/02/04	02/22/06
262	17	Chester	Londonderry	4,011	35	75	11/09/93	None	02/21/13	04/24/13
263	18	Chester	Lower Oxford	5,516	86	165	06/05/92	03/08/06	03/08/06	06/13/06
264	19	Chester	New Garden	1,994	49	88	10/10/89	01/10/97	11/19/10	12/07/10
265	20	Chester	New London	1,891	29	49	04/08/91	None	01/24/12	06/15/12
266	21	Chester	Newlin	3,282	76	79	10/10/88	10/10/09	09/25/09	11/25/09
267	22	Chester	North Coventry	1,771	28	79	05/27/87	None	None	02/22/06
268	23	Chester	Penn	1,910	28	61	12/18/91	12/18/12	04/17/13	07/18/13
269	24	Chester	Pennsbury	766	7	15	12/08/98	06/20/05	None	02/22/06
270	25	Chester	Pocopson	952	11	22	10/13/92	None	12/14/93	02/22/06
271	26	Chester	Sadsbury	535	18	34	04/03/95	None	04/12/04	02/22/06
272	27	Chester	South Coventry	1,620	24	67	06/02/86	None	None	02/22/06
273	28	Chester	Thornbury	351	7	16	07/21/98	None	None	02/22/06
274	29	Chester	Upper Oxford	5,399	73	157	07/10/89	06/14/10	07/15/10	08/12/10
275	30	Chester	Wallace	1,014	17	42	08/16/89	None	None	02/22/06
276	31	Chester	Warwick	3,686	58	124	08/26/87	None	None	02/22/06
277	32	Chester	West Bradford	1,903	35	67	12/11/90	None	12/22/11	06/15/12
278	33	Chester	West Brandywine	760	14	22	02/01/90	None	None	02/22/06
279	34	Chester	West Caln	2,811	41	63	10/14/91	None	03/15/06	06/12/06
280	35	Chester	West Fallowfield	6,518	82	185	01/18/90	None	12/13/10	02/16/11
281	36	Chester	West Goshen	478	3	12	01/25/02	None	None	02/22/06
282	37	Chester	West Marlborough	10,542	116	234	01/24/89	02/04/03	None	02/22/06
283	38	Chester	West Nantmeal	3,456	44	101	06/13/88	None	11/10/14	04/10/15
284	39	Chester	West Nottingham	2,435	26	53	08/08/89	None	10/11/10	12/07/10
285	40	Chester	West Sadsbury	2,546	34	55	04/12/94	10/08/07	05/28/13	08/05/13
286	41	Chester	West Vincent	2,016	40	68	03/05/90	None	12/21/10	02/16/11
287	42	Chester	Westtown	1,014	9	27	08/21/89	None	08/11/10	10/04/10
288	43	Chester	Willistown	2,073	73	79	08/08/88	None	11/13/09	11/25/09
				<b>123,067</b>						

		<u>COUNTY</u>	<u>TOWNSHIP</u>	<u>ACRES</u>	<u>LAND OWNERS</u>	<u>PARCELS</u>	<u>CREATED</u>	<u>7-YEAR REVIEW</u>	<u>LAST RECORDED ACTION</u>	<u>DATE UPDATED</u>
289	1	Clarion	Beaver	678	3		12/07/92	12/07/99		
290	2	Clarion	Clarion	1,470	10		09/02/92	09/02/99		
291	3	Clarion	Farmington	1,657	17		06/06/95	06/06/02		
292	4	Clarion	Salem	2,757	17		01/11/95	01/11/02		
293	5	Clarion	Washington	2,430	34		01/03/95	01/03/02		
				<b>8,992</b>						
294	1	Clearfield	Brady	2,862	24		07/02/84	05/20/05	05/21/12	09/07/12
295	2	Clearfield	Burnside	5,371	67		01/02/91	01/02/98		
296	3	Clearfield	Union	1,414	19		11/10/87	11/10/94		
				<b>9,647</b>						
297	1	Clinton	Beech Creek	1,549	6		11/27/96	11/27/03		
298	2	Clinton	Dunnstable	537	3		06/03/91	06/03/98		
299	3	Clinton	Greene	8,931	113	179	05/05/90	01/03/12	01/03/12	02/16/12
300	4	Clinton	Lamar	3,485	37	44	05/04/89	05/04/96	06/20/12	09/07/12
301	5	Clinton	Logan	4,305	43		10/30/89	10/30/96		
302	6	Clinton	Pine Creek	1,338	15		11/17/83	11/17/90		
303	7	Clinton	Porter	3,988	22		09/12/83	09/12/90		
				<b>24,133</b>						
304	1	Columbia	Beaver	3,039	35	35	06/02/97		11/06/00	01/31/06
305	2	Columbia	Benton	3,829	42	74	09/27/90		09/27/90	01/31/06
306	3	Columbia	Briar Creek	2,813	60	60	10/07/93		03/22/95	01/31/06
307	4	Columbia	Catawissa	993	19	21	01/04/06	01/04/13	12/05/08	12/15/08
308	5	Columbia	Cleveland	5,730	76	108	04/30/91	07/25/13	09/22/14	12/31/14
309	6	Columbia	Fishing Creek	2,761	26	28	10/02/96		10/02/96	01/31/06
310	7	Columbia	Franklin I	2,560	16	25	10/03/89		05/04/98	01/31/06
311	8	Columbia	Greenwood	9,194	104	168	04/15/92		07/15/08	08/05/08
312	9	Columbia	Hemlock	3,055	28	48	02/22/06		02/22/06	02/23/06
313	10	Columbia	Jackson	1,164	12	17	04/01/96		02/09/04	01/31/06
314	11	Columbia	Locust	4,928	72	72	09/06/91		05/08/03	01/31/06
315	12	Columbia	Madison	9,085	77	87	03/12/93		03/12/93	01/31/06
316	13	Columbia	Main	2,847	26	29	07/15/91		08/02/04	01/31/06
317	14	Columbia	Mifflin	3,218	26	50	04/23/90		04/23/90	01/31/06
318	15	Columbia	Montour	947	13	18	11/15/07	11/15/14	11/27/07	11/30/07
319	16	Columbia	Mt. Pleasant	3,840	32	48	01/21/92		01/21/92	01/31/06
320	17	Columbia	North Centre	3,979	38	71	06/11/07	06/11/14	02/26/07	03/17/09
321	18	Columbia	Orange	4,074	34	48	06/23/91		05/15/01	01/31/06
322	19	Columbia	Pine	1,180	18	18	06/08/93		06/08/93	01/31/06
323	20	Columbia	Roaring Creek	3,830	42	65	03/03/92		08/24/95	01/31/06
324	21	Columbia	Sugarloaf	2,490	28	35	05/07/90		05/07/90	01/31/06
				<b>75,556</b>						

		<u>COUNTY</u>	<u>TOWNSHIP</u>	<u>ACRES</u>	<u>LAND OWNERS</u>	<u>PARCELS</u>	<u>CREATED</u>	<u>7-YEAR REVIEW</u>	<u>LAST RECORDED ACTION</u>	<u>DATE UPDATED</u>
325	1	Crawford	Athens	8,870	187		09/11/98	09/11/05		
326	2	Crawford	Beaver	4,991	38		02/11/91	02/11/98		
327	3	Crawford	Bloomfield	733	19	7	11/13/12	11/13/19	11/13/12	12/12/12
328	4	Crawford	Cambridge	3,293	42		05/08/95	05/08/02		
329	5	Crawford	Cussewago	5,331	70	85	02/01/08		08/20/09	10/07/09
330	6	Crawford	East Fairfield	977	12	16	09/04/07		10/17/07	02/10/09
331	7	Crawford	East Fallowfield	4,940	10		05/01/94	05/01/01	03/19/13	06/10/14
332	8	Crawford	East Mead	2,249	21		09/28/01	08/28/08		
333	9	Crawford	Fairfield	3,516	24		07/06/93	07/06/00		
334	10	Crawford	Greenwood	3,172	40		12/02/96	12/02/03		
335	11	Crawford	North Shenango	2,968	32	42	07/24/09		03/15/13	03/12/13
336	12	Crawford	Oil Creek	2,759	18		09/11/96	09/11/03		
337	13	Crawford	Randolph	3,317	25		05/06/92	05/06/99		
338	14	Crawford	Rome	3,382	20		07/14/97	07/14/04		
339	15	Crawford	Sadsbury	2,159	27	33	11/08/00	11/08/07	11/13/07	01/24/08
340	16	Crawford	Sparta	3,932	19		12/13/94	12/13/01		
341	17	Crawford	Spring	8,425	89		08/07/89	08/07/96		
342	18	Crawford	Steuben	1,030	6		04/04/94	04/04/01		
343	19	Crawford	Summit	490	2	5	10/11/11	10/11/18	10/11/11	11/04/11
344	20	Crawford	Union	1,509						
345	21	Crawford	Venango	317	2		04/05/07	04/05/14	04/05/07	06/25/07
346	22	Crawford	Vernon	3,123	28		08/17/94	08/17/01		
347	23	Crawford	Woodcock	2,097	16		03/28/94	03/28/01		
				<b>73,581</b>						
348	1	Cumberland	Dickinson	4,774	58	72	08/29/90	08/29/11	04/07/15	04/14/15
349	2	Cumberland	Hopewell	2,859	7	47	07/19/95			06/27/06
350	3	Cumberland	Lower Frankford	2,571	40	40	12/07/99			06/27/06
351	4	Cumberland	Lower Mifflin	5,423	46	91	05/11/95			06/27/06
352	5	Cumberland	Middlesex	2,527	52	56	01/22/91		09/03/15	10/26/15
353	6	Cumberland	Monroe	5,619	75	119	08/24/89		08/13/15	09/22/15
354	7	Cumberland	North Middleton	2,137	26	25	02/04/93			06/27/06
355	8	Cumberland	North Newton	4,228	39	45	01/06/86			06/27/06
356	9	Cumberland	Penn	6,746	90	120	09/30/85		05/09/12	06/15/12
357	10	Cumberland	Silver Spring	1,364	40	39	10/26/94	10/26/01	10/02/14	11/21/14
358	11	Cumberland	Southampton	10,443	58	150	09/14/92			06/27/06
359	12	Cumberland	South Middleton	4,460	81	87	05/28/92		12/04/07	12/07/07
360	13	Cumberland	South Newton	962	11	11				06/27/06
361	14	Cumberland	Upper Allen	970	17	19	10/17/02		06/16/10	07/02/10
362	15	Cumberland	Upper Frankford	6,296	56	101	11/24/93			06/27/06
363	16	Cumberland	Upper Mifflin	3,263	46	50	09/03/92			06/27/06
364	17	Cumberland	West Pennsboro	8,069	96	118	09/17/90			06/27/06
				<b>72,711</b>						

		<u>COUNTY</u>	<u>TOWNSHIP</u>	<u>ACRES</u>	<u>LAND OWNERS</u>	<u>PARCELS</u>	<u>CREATED</u>	<u>7-YEAR REVIEW</u>	<u>LAST RECORDED ACTION</u>	<u>DATE UPDATED</u>
365	1	Dauphin	Conewago	3,375	37	41	12/18/97		04/14/04	01/31/06
366	2	Dauphin	Gratz Borough	851	10	30	12/17/93		12/17/93	01/31/06
367	3	Dauphin	East Hanover	2,856	43	67	06/12/98		06/12/98	01/31/06
368	4	Dauphin	Halifax	5,709	63	88	02/17/00	02/17/07	02/17/00	01/31/06
369	5	Dauphin	Jackson	5,641	71	118	01/22/98		04/24/01	01/31/06
370	6	Dauphin	Jefferson	1,483	23	38	03/04/98		03/04/98	01/31/06
371	7	Dauphin	Lower Paxton	306	3	6	07/18/00	07/18/07	07/18/00	01/31/06
372	8	Dauphin	Londonderry	4,982	51	91	03/13/92			01/31/06
373	9	Dauphin	Lykens	8,554	96	178	12/14/92		10/10/00	01/31/06
374	10	Dauphin	Middle Paxton	4,043	32	56	10/13/93		10/13/93	01/31/06
375	11	Dauphin	Mifflin	6,599	61	121	11/08/93		11/08/93	01/31/06
376	12	Dauphin	South Hanover	1,238	17	23	11/02/92		11/02/92	01/31/06
377	13	Dauphin	Upper Paxton	6,045	71	95	08/07/91		12/12/08	12/29/08
378	14	Dauphin	Washington	6,880	64	113	05/13/92		05/27/08	06/09/08
379	15	Dauphin	Wayne	2,162	18	40	03/10/94		03/10/94	01/31/06
380	16	Dauphin	West Hanover	2,375	37	42	04/08/92		01/04/93	01/31/06
				<b>63,099</b>						
381	1	Delaware	Concord	677	11		10/07/97	10/07/04		
382	2	Delaware	Edgemont	808	20		08/07/90	08/07/97		
				<b>1,485</b>						
383	1	Elk	Fox	1,933	25		01/15/91	01/15/98		
384	2	Elk	Highland	2,277	15		02/14/90	02/14/97		
385	3	Elk	Spring Creek	915	6		08/02/89	08/02/96		
				<b>5,125</b>						
386	1	Erie	Amity	6,925	69		06/15/95	09/03/02		03/27/06
387	2	Erie	Concord	4,552	26		08/08/95	08/08/02		
388	3	Erie	Conneaut	2,014	8		11/06/00	11/06/07		
389	4	Erie	Elk Creek	4,694	55	75	08/07/89	07/30/03	05/20/09	06/29/09
390	5	Erie	Fairview	2,046	8	39	05/23/94	04/23/02		03/28/06
391	6	Erie	Franklin	2,089	18	44	11/13/90			03/28/06
392	7	Erie	Girard	4,828	5	5	12/13/94	12/13/01	06/12/12	09/07/12
393	8	Erie	Greene	981	24	20	06/28/11		04/11/12	07/23/14
394	9	Erie	Greenfield	2,908	52	68	05/03/83	02/21/89	06/23/94	03/28/06
395	10	Erie	Harborcreek	2,537	38	104	10/07/92	10/07/99	04/20/12	06/15/12
396	11	Erie	McKean	3,127	36	57	11/09/90	09/19/11	09/19/11	09/30/11
397	12	Erie	North East	8,453	130	320	07/06/93	04/06/00	06/18/12	09/07/12
398	13	Erie	Springfield	2,459	15		05/01/00	05/01/07		
399	14	Erie	Summit	962	13	23	06/21/10		07/01/10	09/21/10
400	15	Erie	Union	6,933	64		04/30/90	04/30/97		
401	16	Erie	Venango	6,524	42	114	09/04/90		02/03/03	03/28/06
402	17	Erie	Washington	3,535	35	71	09/29/95	06/04/02	09/15/06	10/24/07
403	18	Erie	Waterford	2,218	17	41	05/05/04		04/15/09	05/04/09
404	19	Erie	Wayne	3,964	28	60	10/12/92	10/12/06		03/28/06
				<b>71,749</b>						

		<u>COUNTY</u>	<u>TOWNSHIP</u>	<u>ACRES</u>	<u>LAND OWNERS</u>	<u>PARCELS</u>	<u>CREATED</u>	<u>7-YEAR REVIEW</u>	<u>LAST RECORDED ACTION</u>	<u>DATE UPDATED</u>
405	1	Fayette	Bullskin	3,557	53		09/29/04	09/29/11		
406	2	Fayette	Dunbar	767		6	01/01/02			06/27/06
407	3	Fayette	Georges	214	3	3	02/01/01	02/01/08		
408	4	Fayette	German	685	8		03/15/88	03/15/95		
409	5	Fayette	Menallen	1,869	40	44	09/04/08		09/08/08	10/14/08
410	6	Fayette	Nicholson	1,508	9		03/03/95	03/03/02		
411	7	Fayette	North Union	136	2		10/11/05			
412	8	Fayette	Perry	436	9	15			12/06/05	08/31/07
413	9	Fayette	Springfield	56	1	1			05/03/05	08/31/07
414	10	Fayette	Springhill	1,229	9		03/19/91	03/19/98		
415	11	Fayette	Union	136	2	2			10/11/05	08/31/07
416	12	Fayette	Wharton	11	2	1			12/05/05	08/31/07
				<b>10,604</b>						
417	1	Forest	Tionesta	2,291	18		02/27/92	02/27/99		
				<b>2,291</b>						
418	1	Franklin	Antrim	12,647	118	153	05/08/90	05/08/97		08/31/07
419	2	Franklin	Fannett	1,983	17	25				08/31/07
420	3	Franklin	Greene I	7,188	106	111	08/24/83	08/24/09	07/27/10	08/12/10
421	4	Franklin	Guilford	3,141	30	96	06/15/86	06/15/93		08/31/07
422	5	Franklin	Hamilton	3,357	32	50	12/20/83	12/07/11	12/07/11	06/15/12
423	6	Franklin	Letterkenny	5,300	34	56	03/29/88	03/29/95		08/31/07
424	7	Franklin	Lurgan	4,856	38	61	07/02/84	07/02/91		08/31/07
425	8	Franklin	Metal	7,051	44	90	08/07/86	08/07/93		08/31/07
426	9	Franklin	Montgomery	11,725	59	112	01/21/83	01/21/90		08/31/07
427	10	Franklin	Peters	15,757	59	141	06/29/90	06/29/97		08/31/07
428	11	Franklin	Quincy	4,708	36	74	06/12/84	06/12/91		08/31/07
429	12	Franklin	Southampton	7,696		99	12/27/88	03/28/07	03/28/07	08/31/07
430	13	Franklin	St. Thomas	13,184	77	151	05/02/88	05/02/95		08/31/07
431	14	Franklin	Warren	4,055		35				08/31/07
432	15	Franklin	Washington	1,628	20	28	01/07/91	01/07/98		08/31/07
				<b>104,276</b>						
433	1	Fulton	Ayr	9,870	37	6	06/30/89	04/18/12	05/14/12	06/15/12
434	2	Fulton	Belfast	4,489	48	39	11/04/96	11/04/03	09/02/08	10/06/08
435	3	Fulton	Bethel	3,659	16		03/04/85	03/04/92		
436	4	Fulton	Brush Creek	1,153	5		04/29/95	04/29/02		
437	5	Fulton	Dublin	2,059	12		10/07/96	10/07/03		
438	6	Fulton	Licking Creek I	3,593	14		01/28/92	01/28/99		
439	7	Fulton	Licking Creek II	1,201	2		02/28/94	02/08/01		
440	8	Fulton	Licking Creek III	960	11		08/08/95	08/08/02		
441	9	Fulton	Licking Creek IV	656	12	9	10/16/06	10/16/12	10/26/06	10/24/07
442	10	Fulton	Taylor	2,085	11		05/04/94	05/04/01		
443	11	Fulton	Thompson	6,096	80	48	05/31/89	05/31/96	09/12/08	10/06/08

		<u>COUNTY</u>	<u>TOWNSHIP</u>	<u>ACRES</u>	<u>LAND OWNERS</u>	<u>PARCELS</u>	<u>CREATED</u>	<u>7-YEAR REVIEW</u>	<u>LAST RECORDED ACTION</u>	<u>DATE UPDATED</u>
444	12	Fulton	Todd	3,232	12		02/02/95	02/02/02		
445	13	Fulton	Union	4,559	40		04/16/92	04/16/99		
446	14	Fulton	Wells	2,358	19		07/10/95	07/10/02		
				<b>45,969</b>						
447	1	Greene	Center	1,678	7		10/15/08	10/15/15	10/15/08	10/27/08
448	2	Greene	Greene	649	6	8	04/11/08		08/09/12	09/06/12
449	3	Greene	Morgan	1,478	8	21	05/05/93	05/05/07	05/25/93	9.28.10
450	4	Greene	Washington	2,991	61	64	11/13/92	11/13/99	09/21/09	10/07/09
451	5	Greene	Wayne	1,976	7		01/28/08	01/28/15	01/28/08	
452	6	Greene	Cumberland	825	6	12	05/07/07	05/07/14	07/13/15	08/25/15
453	7	Greene	Jefferson	430	6		03/07/13		06/20/13	09/10/13
				<b>10,026</b>						
454	1	Huntingdon	Barree	1,989	25	19	07/03/06		08/24/06	10/24/07
455	2	Huntingdon	Brady	5,078	33	77	02/13/02	02/13/09	02/13/02	01/31/06
456	3	Huntingdon	Cass	1,199	10	11	09/09/04	09/09/11	09/09/04	01/31/06
457	4	Huntingdon	Cromwell	3,723	27	37	11/25/91		07/18/07	07/26/07
458	5	Huntingdon	Dublin	3,438	16	22	12/12/90		12/12/90	01/31/06
459	6	Huntingdon	Franklin	10,787	18	26	09/12/89		09/12/89	01/31/06
460	7	Huntingdon	Jackson	3,832	27	37	12/18/98	11/07/05	11/07/05	02/17/06
461	8	Huntingdon	Lincoln	2,688	20	27	11/28/01	11/28/08	09/09/02	01/31/06
462	9	Huntingdon	Logan	1,916	9	15	03/15/05	03/15/12	03/15/05	01/31/06
463	10	Huntingdon	Morris	3,105	12	21	04/04/96		04/04/96	01/31/06
464	11	Huntingdon	Penn	2,863	39	44	04/14/92		06/29/10	07/29/10
465	12	Huntingdon	Porter	2,780	13	22	02/05/93		05/07/03	01/31/06
466	13	Huntingdon	Shirley	3,261	19	29	12/11/92	12/11/99	03/28/08	04/28/08
467	14	Huntingdon	Spruce Creek	1,827	10	15	01/05/90		12/05/07	12/10/07
468	15	Huntingdon	Tell	5,441	19	28	03/26/91		11/02/03	01/31/06
469	16	Huntingdon	Todd	1,161	8	9	12/13/10		09/09/13	11/22/13
470	17	Huntingdon	Walker	5,052	30	50	10/12/95		10/30/02	01/31/06
471	18	Huntingdon	Warriors Mark	8,317	48	91	05/11/89	06/03/03	06/03/03	01/31/06
472	19	Huntingdon	West	5,368	18	34	08/11/03		03/05/04	01/31/06
				<b>73,825</b>						
473	1	Indiana	Armstrong	2,518	25	38			12/08/09	02/02/10
474	2	Indiana	Black Lick	4,436	96		12/27/90	12/27/97		
475	3	Indiana	Brush Valley	2,967	14		07/02/90	07/02/97	03/13/08	03/28/08
476	4	Indiana	Buffington	435	1		04/01/90	04/01/97		
477	5	Indiana	Center	5,435	45		08/29/91	08/29/98		
478	6	Indiana	Cherryhill	5,456	37		02/18/93	02/19/00		
479	7	Indiana	Conemaugh	3,372	17	35	09/06/07	09/04/14	09/04/14	04/14/15
480	8	Indiana	East Mahoning	9,785	65		10/09/91	10/09/98		
481	9	Indiana	East Wheatfield	1,126	10		10/11/89	10/11/96		
482	10	Indiana	Green	4,088	25		07/01/92	07/02/99		

		<u>COUNTY</u>	<u>TOWNSHIP</u>	<u>ACRES</u>	<u>LAND OWNERS</u>	<u>PARCELS</u>	<u>CREATED</u>	<u>7-YEAR REVIEW</u>	<u>LAST RECORDED ACTION</u>	<u>DATE UPDATED</u>
483	11	Indiana	North Mahoning	8,976	125		11/13/90	11/13/97		
484	12	Indiana	Rayne	12,390	99		10/03/91	10/03/98		
485	13	Indiana	South Mahoning	2,877	34	42	08/15/07			08/30/07
486	14	Indiana	Washington	3,817	38		07/01/97	07/01/04		
487	15	Indiana	White	1,464	15		08/26/92	08/27/99		
				<b>69,142</b>						
488	1	Jefferson	Eldred	3,843	44		10/13/94	10/13/01		
489	2	Jefferson	Gaskill	1,258	15		04/11/02	04/11/09		
490	3	Jefferson	Henderson	3,301	49	2	08/05/84	08/06/91		06/15/12
491	4	Jefferson	Oliver	855	5		02/07/94	02/07/01		
492	5	Jefferson	Perry	278	1		10/07/09	10/07/16	10/15/09	11/25/09
				<b>9,535</b>						
493	1	Juniata	Beagle	1,120	12	12	03/05/07	03/05/14	03/09/07	10/24/07
494	2	Juniata	Delaware	4,632	30		11/21/96	11/22/03		
495	3	Juniata	Fayette							
496	4	Juniata	Greenwood	2,804	23		06/04/90	06/04/97		
497	5	Juniata	Lack							
498	6	Juniata	Milford	3,221	22	27	02/05/02		08/31/04	03/28/06
499	7	Juniata	Spruce Hill	1,613	9	13	06/02/98		02/17/02	03/28/06
500	8	Juniata	Susquehanna	2,017	15	16	04/12/99			03/28/06
501	9	Juniata	Turbett				09/16/02			
502	10	Juniata	Tuscarora							
503	11	Juniata	Walker	5,350	41	44	09/08/92	10/04/99	03/22/06	06/14/06
				<b>20,757</b>						
504	1	Lackawanna	Benton	69,473	74	94	10/06/94	10/06/15		
505	2	Lackawanna	Covington	1,525	22	27	04/07/93	04/07/14	04/26/05	
506	3	Lackawanna	Greenfield	2,198	30	24	12/06/94	12/06/01		10/24/07
507	4	Lackawanna	Jefferson	4,217	27		07/07/92	07/08/99		
508	5	Lackawanna	LaPlume	272	5	8	09/01/05	07/12/12	04/12/12	
509	6	Lackawanna	Madison	2,602	37		11/12/92	11/13/99		
510	7	Lackawanna	Newton	4,275	48		02/07/97	02/07/10	07/14/03	
511	8	Lackawanna	North Abington	1,503	13	16	03/05/96	07/15/11	07/15/11	08/10/11
512	9	Lackawanna	Ransom	2,191	38		04/04/05	04/04/12		
513	10	Lackawanna	Scott	3,762	61		02/11/91	02/11/98		
				<b>92,018</b>						
514	1	Lancaster	Bart	713	8	15	07/15/03	07/15/10	04/02/13	01/07/14
515	2	Lancaster	Brecknock	7,676	147	164	05/21/91		01/06/04	01/31/06
516	3	Lancaster	Caernarvon	6,918	102	123	08/21/90		07/17/13	01/07/14
517	4	Lancaster	Clay	5,354	86	105	06/26/90	06/06/05	06/06/05	01/31/06
518	5	Lancaster	Colerain	7,950	54	123	06/19/90		01/04/13	01/07/14
519	6	Lancaster	Conestoga	2,745	43	53	05/24/90		09/03/13	01/07/14



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520	7	Lancaster	Conoy	3,558	48	76	01/29/90			
521	8	Lancaster	Drumore	10,122	97	123	12/26/89		06/27/05	02/01/06
522	9	Lancaster	Earl	3,056	47	58	10/11/90		02/25/05	02/01/06
523	10	Lancaster	East Cocalico	750	14	17	04/04/07	04/04/14	12/04/14	04/14/15
524	11	Lancaster	East Donegal	10,318	134	179	02/09/90	06/21/04	12/28/05	02/01/06
525	12	Lancaster	East Drumore	4,843	41	69	04/18/90		10/13/05	02/14/13
526	13	Lancaster	East Earl	1,389	39	47	02/27/92		07/17/13	01/07/14
527	14	Lancaster	East Hempfield	1,516	19	29	08/02/91		11/12/04	02/01/06
528	15	Lancaster	Elizabeth	2,407	30	43	06/06/90		03/17/04	02/01/06
529	16	Lancaster	Ephrata	3,499	72	80	10/10/90		09/09/04	02/01/06
530	17	Lancaster	Fulton	5,582	34	59	09/12/90		02/22/05	02/01/06
531	18	Lancaster	Little Britian	5,841	54	78	06/13/90	03/15/03	03/15/03	02/01/06
532	19	Lancaster	Manheim Twp	966	16	20	09/10/01	09/10/08	09/04/04	02/01/06
533	20	Lancaster	Manor	8,990	87	142	05/25/90		10/13/15	12/02/15
534	21	Lancaster	Martic	966	64	77	06/18/90		06/15/05	02/01/06
535	22	Lancaster	Mount Joy	7,454	127	144	02/09/90		01/25/05	02/01/06
536	23	Lancaster	Penn	4,590	56	66	02/01/91		11/01/13	01/07/14
537	24	Lancaster	Pequea	2,107	27	33	11/28/90		01/10/06	02/01/06
538	25	Lancaster	Providence	1,296	26	37	07/21/94		10/19/05	02/01/06
539	26	Lancaster	Rapho	7,338	83	106	08/01/90		12/04/14	04/14/15
540	27	Lancaster	Sadsbury	643	10	12	08/06/90		11/16/05	02/01/06
541	28	Lancaster	Salisbury	13,356	163	202	09/26/90		11/29/94	02/01/06
542	29	Lancaster	Strasburg	7,761	91	116	02/14/90		10/10/02	02/01/06
543	30	Lancaster	Warwick	3,769	53	67	06/19/90		03/17/04	02/01/06
544	31	Lancaster	West Cocalico	3,490	39	58	04/08/92		05/31/13	01/07/14
545	32	Lancaster	West Donegal	2,833	42	53	02/09/90	04/15/02	06/20/03	02/01/06
546	33	Lancaster	West Earl	1,518	28	32	10/09/03		01/04/13	01/07/14
547	34	Lancaster	West Hempfield	3,002	39	52	08/09/90		10/12/05	02/01/06
548	35	Lancaster	West Lampeter	2,531	35	42	03/10/92		10/01/15	11/12/15
				<b>156,846</b>						
549	1	Lawrence	Little Beaver	1,332	12		10/03/01	10/03/08		
550	2	Lawrence	New Beaver Boro	1,795	12		03/08/94	03/08/01		
551	3	Lawrence	North Beaver	7,502	52		06/12/95	06/12/02		
552	4	Lawrence	Plain Grove	4,256	42		02/03/92	02/03/92		
553	5	Lawrence	Pulaski	7,646	105	5	06/14/94	11/03/08	11/03/08	11/24/08
554	6	Lawrence	Shenango	802	14		04/03/95	04/03/02		
555	7	Lawrence	Slippery Rock	2,450	81		10/09/00	10/10/07		
556	8	Lawrence	Washington	5,242	43		10/11/93	10/11/00		
557	9	Lawrence	Wilmington	5,985	57		08/06/90	08/06/97		
				<b>37,010</b>						
558	1	Lebanon	Bethel	5,277	47	60	05/23/91	11/29/99	04/15/08	04/28/08
559	2	Lebanon	East Hanover	3,881	34	47	03/05/02		07/18/03	07/26/07
560	3	Lebanon	Heidelberg	4,852	88	99	04/10/90	05/14/99	09/29/15	10/08/15

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561	4	Lebanon	Jackson	5,075	82	88	01/06/97	01/06/11	12/30/08	09/07/12
562	5	Lebanon	Millcreek	3,377	34	44	07/14/93	07/14/00	09/10/09	06/06/11
563	6	Lebanon	North Annville	6,721	86	106	07/07/92	07/07/99	01/12/07	10/24/07
564	7	Lebanon	North Cornwall	2,605	35	43	03/06/90	08/18/98	06/17/03	07/26/07
565	8	Lebanon	North Lebanon	4,296	62	84	03/18/91	08/27/12	08/27/12	09/06/12
566	9	Lebanon	North Londonderry	1,570	18	18	12/21/01		07/18/03	07/26/07
567	10	Lebanon	South Annville	6,984	69	89	08/01/90	06/18/98	05/20/05	07/26/07
568	11	Lebanon	South Lebanon	6,207	74	100	11/06/89	12/28/98	12/30/02	07/26/07
569	12	Lebanon	South Londonderry	4,559	65	73	02/09/93	03/09/98	05/13/15	09/08/15
570	13	Lebanon	Swatara	4,020	44	61	04/12/90		07/18/03	07/26/07
571	14	Lebanon	Union	1,531	38	29	10/10/07			11/06/07
572	15	Lebanon	West Cornwall	1,597	18	21	08/14/89			07/26/07
				<b>62,552</b>						
573	1	Lehigh	Heidelberg	5,626	58		08/05/88	08/06/95		
574	2	Lehigh	Lower Macungie	1,482	24		10/06/88	10/07/95		
575	3	Lehigh	Lower Milford	6,977	117	6	06/08/89	06/08/96	10/16/12	12/12/12
576	4	Lehigh	Lowhill	1,830	20		12/07/88	12/08/95		
577	5	Lehigh	Lynn	13,086	130	11	07/07/88	07/08/95	04/16/15	05/04/15
578	6	Lehigh	North Whitehall	2,790	45	4	10/16/96	10/17/03	10/18/06	10/24/07
579	7	Lehigh	South Whitehall	86	1		10/06/88	10/07/95		
580	8	Lehigh	Upper Macungie	2,087	20		09/03/98	09/03/05		
581	9	Lehigh	Upper Milford	1,524	33	19	08/02/95	08/02/02	07/02/10	07/29/10
582	10	Lehigh	Upper Saucon	207	5		06/08/89	06/08/96		
583	11	Lehigh	Washington	2,090	20		03/09/93	03/09/00		
584	12	Lehigh	Weisenberg	6,653	100		08/04/88	08/05/95		
				<b>44,438</b>						
585	1	Luzerne	Black Creek	1,097	10		10/02/02	10/02/09		
586	2	Luzerne	Butler	4,104	49	49	12/06/00	12/06/07	12/06/00	02/01/06
587	3	Luzerne	Dorrance	6,961	209	127	04/01/91	04/01/98	07/17/98	
588	4	Luzerne	Fairmount	666	5		11/06/98	11/06/05		
589	5	Luzerne	Franklin	1,554	36	36	12/18/02	12/18/09	09/17/04	02/01/06
590	6	Luzerne	Hollenback	1,646	29		05/10/07			05/10/14
591	7	Luzerne	Huntingdon	2,891	29	29	07/18/02	07/18/09	07/18/02	02/01/06
592	8	Luzerne	Jackson	1,986	26		04/29/85	04/29/92		
593	9	Luzerne	Nescopeck	3,939	49	62	08/04/94	01/10/01	10/21/05	02/01/06
594	10	Luzerne	Ross	703	8	14	05/25/01	05/25/08	06/14/02	02/01/06
595	11	Luzerne	Sugarloaf	3,195	37	48	06/19/87		06/19/87	02/01/06
596	12	Luzerne	Union	646	7	12	12/27/00	12/27/07	02/26/03	02/01/06
				<b>29,388</b>						
597	1	Lycoming	Anthony	4,205	54		10/19/01	10/19/08		
598	2	Lycoming	Clinton	2,084	20		05/26/92	05/27/99		
599	3	Lycoming	Cogan House	4,984	31		02/06/90	02/06/97		

		<u>COUNTY</u>	<u>TOWNSHIP</u>	<u>ACRES</u>	<u>LAND OWNERS</u>	<u>PARCELS</u>	<u>CREATED</u>	<u>7-YEAR REVIEW</u>	<u>LAST RECORDED ACTION</u>	<u>DATE UPDATED</u>
600	4	Lycoming	Eldred	2,132	23		04/18/96	04/19/03		
601	5	Lycoming	Franklin	4,719	45		08/03/92	08/04/99		
602	6	Lycoming	Gamble	3,181	35		04/04/91	04/04/98		
603	7	Lycoming	Jackson	5,734	20		08/11/92	08/12/99		
604	8	Lycoming	Jordan	5,232	57		11/21/92	11/22/99		
605	9	Lycoming	Limestone	5,911	54		08/06/90	08/06/97		
606	10	Lycoming	Lycoming	3,918	33		12/22/90	12/22/97		
607	11	Lycoming	Mifflin	2,213	26		11/09/98	11/09/05		
608	12	Lycoming	Moreland	10,210	89		07/10/90	07/10/97		
609	13	Lycoming	Muncy	5,004	37		06/14/89	06/14/96		
610	14	Lycoming	Muncy Creek	4,712	41		08/09/89	08/09/96		
611	15	Lycoming	Nippensose	385	3		07/17/92	07/18/99		
612	16	Lycoming	Penn	7,394	52		12/14/93	12/14/00		
613	17	Lycoming	Porter	1,361	20	33	07/14/92	07/15/99	07/14/92	08/25/08
614	18	Lycoming	Shrewsbury	1,845	11		09/29/97	09/29/04		
615	19	Lycoming	Susquehanna	1,249	13	13	05/29/08	05/29/15	05/29/08	06/09/08
616	20	Lycoming	Upper Fairfield	3,530	33		05/16/89	05/16/96		
617	21	Lycoming	Washington	7,282	69		08/09/84	08/10/91		
618	22	Lycoming	Wolf	2,859	25		02/16/99	02/16/06		
				<b>90,144</b>						
619	1	McKean	Keating	2,689	15		10/03/95	10/03/02		
620	2	McKean	Liberty	3,548	33		07/10/89	07/10/96		
				<b>6,237</b>						
621	1	Mercer	Coolspring	4,771	48	65	02/11/99	03/01/06	06/06/06	06/27/06
622	2	Mercer	Deer Creek	2,367	24	38	06/10/04	06/10/11		06/12/06
623	3	Mercer	Delaware	8,511	123		10/02/91		08/03/06	07/26/07
624	4	Mercer	East Lackawannock	5,205	40	41	06/12/90	02/10/04	03/22/11	04/28/11
625	5	Mercer	Fairview	5,265	49	58	03/09/94	02/14/01		04/05/06
626	6	Mercer	Findley	4,317	46	74	11/08/01			03/28/06
627	7	Mercer	French Creek	2,885	29		09/13/01	07/13/15	08/17/15	09/01/15
628	8	Mercer	Hempfield	1,350	22		06/07/94	06/07/01		
629	9	Mercer	Jackson	4,751	46		06/01/94	06/01/01		
630	10	Mercer	Jefferson	4,539	43	46	04/28/90	04/28/04		03/28/06
631	11	Mercer	Lackawannock	3,792	43		07/13/93	07/13/00		
632	12	Mercer	Lake	5,084	46		05/10/93	05/10/00		
633	13	Mercer	Liberty	3,024	31	42	08/13/98	07/14/05		04/05/06
634	14	Mercer	Mill Creek	3,978	31	25	06/07/93	06/08/00	08/13/07	08/30/07
635	15	Mercer	New Vernon	4,573	45	62	07/08/93	04/19/00		04/05/06
636	16	Mercer	Otter Creek	3,366	43		09/14/94	09/14/01		
637	17	Mercer	Perry	6,307	92	130	04/06/94	02/07/01	05/29/08	08/05/08
638	18	Mercer	Pine	1,395	11	17	04/20/01	07/31/15	07/31/08	08/25/08
639	19	Mercer	Salem	1,800	10	17	08/13/01			03/28/06
640	20	Mercer	Sandy Creek	2,242	28		09/05/95	09/05/95		

		<u>COUNTY</u>	<u>TOWNSHIP</u>	<u>ACRES</u>	<u>LAND OWNERS</u>	<u>PARCELS</u>	<u>CREATED</u>	<u>7-YEAR REVIEW</u>	<u>LAST RECORDED ACTION</u>	<u>DATE UPDATED</u>
641	21	Mercer	Sandy Lake	2,754	32	50	04/04/95	12/02/08	12/23/08	01/12/09
642	22	Mercer	Shenango	3,939	62		06/12/01	06/12/08		
643	23	Mercer	South Pymatuning	4,724	68		02/09/98		02/09/05	
644	24	Mercer	Springfield	2,529	35	30	09/01/93	08/18/14	08/21/14	04/14/15
645	25	Mercer	Sugar Grove	2,828	44		09/03/96	09/04/03		
646	26	Mercer	West Salem	5,081	89	69	02/14/95	12/11/01	04/14/09	05/04/09
647	27	Mercer	Wilmington	4,948	50	50	04/10/90	03/10/04		04/05/06
648	28	Mercer	Wolf Creek	3,738	25		08/14/91	08/14/98		
649	29	Mercer	Worth	3,670	33	53	07/06/93	03/06/00		04/05/06
				<b>113,733</b>						
650	1	Mifflin	Armagh	3,096	26	29	08/01/89	08/01/96	02/24/05	03/28/06
651	2	Mifflin	Bratton	1,249	7	9	11/08/93	12/14/01		03/28/06
652	3	Mifflin	Brown	2,574	30	32	05/05/09	05/05/16	06/08/10	06/22/10
653	4	Mifflin	Decatur	3,015	32	1	06/28/82	06/28/89	09/21/09	10/07/09
654	5	Mifflin	Derry	3,806	22	29	12/04/89	09/20/10	08/08/15	10/06/15
655	6	Mifflin	Granville	3,623	36	51	05/25/89	07/09/05		03/28/06
656	7	Mifflin	Oliver	4,195	24	48	08/01/89		07/28/06	07/26/07
657	8	Mifflin	Union	2,861	25	45	07/03/89		07/28/06	07/26/06
658	9	Mifflin	Wayne	4,471	29	40	12/12/90	12/12/97	11/03/15	01/07/16
				<b>28,889</b>						
659	1	Monroe	Chestnuthill	2,974	41		09/19/89	09/19/96		
660	2	Monroe	Eldred	3,928	53		11/20/91	11/20/98		
661	3	Monroe	Hamilton	4,268	61		12/18/89	12/18/96		
662	4	Monroe	Jackson	1,391	20		07/06/89	07/06/96		
663	5	Monroe	Polk	4,733	49		09/25/89	09/25/96		
664	6	Monroe	Ross	2,581	27		08/07/89	08/07/96		
665	7	Monroe	Stroud	1,073	33		12/13/00	12/14/07		
666	8	Monroe	Tunkhannock	788	6		10/02/96	10/03/03		
				<b>21,736</b>						
667	1	Montgomery	Douglass	2,804	45	54	10/03/88	None		03/01/10
668	2	Montgomery	Franconia	2,538	52	52	08/28/89	None		03/01/10
669	3	Montgomery	Horsham	687	13	14	12/08/99	None		03/01/10
670	4	Montgomery	Limerick	1,517	21	22	10/17/89	07/01/03		03/01/10
671	5	Montgomery	Lower Salford	1,578	45	47	12/09/92	07/01/00		03/01/10
672	6	Montgomery	New Hanover	1,932	37	37	01/03/94	None		03/01/10
673	7	Montgomery	Salford	1,309	36	37	10/20/99	None		03/01/10
674	8	Montgomery	Upper Frederick	1,749	34	36	09/14/89	None	08/05/08	03/01/10
675	9	Montgomery	Upper Hanover	2,835	40	34	07/09/91	None		03/01/10
676	10	Montgomery	Upper Providence	1,051	27	29	03/18/96	None		03/01/10
677	11	Montgomery	Upper Salford	992	24	24	01/03/94	None		03/01/10
678	12	Montgomery	Worcester	1,889	43	64	11/20/91	None	10/29/09	03/01/10
				<b>20,882</b>						

		COUNTY	TOWNSHIP	ACRES	LAND OWNERS	PARCELS	CREATED	7-YEAR REVIEW	LAST RECORDED ACTION	DATE UPDATED
679	1	Montour	Anthony	4,278	35	48	01/07/91		08/07/06	07/26/07
680	2	Montour	Cooper	1,948	22	65	07/01/92		08/07/06	07/26/07
681	3	Montour	Liberty	5,480	46	56	08/22/90		08/07/06	07/26/07
682	4	Montour	Limestone	3,641	37	40	05/10/88	09/13/04	07/02/07	10/11/07
683	5	Montour	Mayberry	2,780	38	50	11/01/93		08/07/06	07/26/07
684	6	Montour	West Hemlock	3,529	36	52	07/19/87		08/07/06	07/26/07
				<b>21,656</b>						
685	1	Northampton	Allen	994	5	1	03/03/93	03/03/00	04/08/10	06/01/10
686	2	Northampton	Bushkill	907	18	33	09/07/95		08/22/06	07/26/07
687	3	Northampton	East Allen	2,778	21		06/09/83	06/09/90		
688	4	Northampton	Forks	823	10	22	06/28/90		02/08/91	07/06/06
689	5	Northampton	Lehigh	1,616	20	48	07/01/91		08/22/06	07/26/07
690	6	Northampton	Lower Mount Bethel	6,562	77	153	12/13/83	08/15/11	11/12/14	04/27/15
691	7	Northampton	Lower Nazareth	1,166	8	26	07/12/95	None	07/23/03	07/06/06
692	8	Northampton	Moore	4,373	52	157	06/03/91	07/16/04	07/16/04	07/06/06
693	9	Northampton	Plainfield	3,553	42	95	03/25/91	None		07/06/06
694	10	Northampton	Upper Mount Bethel	3,465	39	84	12/01/91	12/01/12	12/16/14	04/10/15
695	11	Northampton	Washington	1,783	18	47	06/20/90	09/28/99	12/14/11	01/24/11
696	12	Northampton	Williams	1,688	42	59	08/12/99		11/13/14	04/17/15
				<b>29,707</b>						
697	1	Northumberland	Delaware	6,903	78		12/05/89	12/05/96		
698	2	Northumberland	Jackson	1,264	8		08/06/96	08/07/03		
699	3	Northumberland	Jordan	6,023	40		07/19/89	07/19/96		
700	4	Northumberland	Lewis	4,977	55		09/14/91	09/14/98		
701	5	Northumberland	Point	3,293	27		10/12/82	10/12/89		
702	6	Northumberland	Rockefeller	4,059	57		01/06/97	01/07/04		
703	7	Northumberland	Rush	5,996	40		06/13/89	06/13/96		
704	8	Northumberland	Shamokin	6,706	112	144	02/12/92	12/12/12	12/12/12	12/20/12
705	9	Northumberland	Turbot	3,804	36		05/14/84	05/15/91		
706	10	Northumberland	Lower Augusta	3,667	46	49	01/13/97		01/13/97	03/12/09
707	11	Northumberland	Upper Augusta	3,978	38	56	06/04/90	06/04/97	02/17/11	03/07/11
708	12	Northumberland	Upper Mahanoy	9,292	130		12/09/86	12/09/03		
709	13	Northumberland	Washington	7,190	56		09/15/86	09/15/93		
710	14	Northumberland	West Chillisquaque	3,366	27	1	08/01/83	08/01/90	09/04/07	10/07/09
				<b>70,517</b>						
711	1	Perry	Buffalo	4,966	61	78	06/18/92	04/01/96		02/01/06
712	2	Perry	Carroll	2,320	22	31	03/12/02	03/12/09	02/07/06	02/17/06
713	3	Perry	Centre	3,259	21	31	08/27/91	11/06/00		02/01/06
714	4	Perry	Greenwood	9,172	68	76	04/24/90	10/12/00	06/05/02	02/01/06
715	5	Perry	Howe	1,402	13	16	09/13/94		12/20/00	02/01/06
716	6	Perry	Jackson	6,718	46	75	06/27/84	11/30/02	09/28/06	10/27/07
717	7	Perry	Juniata	7,011	69	88	01/05/89	07/09/14	07/09/14	07/30/14

		<u>COUNTY</u>	<u>TOWNSHIP</u>	<u>ACRES</u>	<u>LAND OWNERS</u>	<u>PARCELS</u>	<u>CREATED</u>	<u>7-YEAR REVIEW</u>	<u>LAST RECORDED ACTION</u>	<u>DATE UPDATED</u>
718	8	Perry	Liverpool	4,815	31	44	06/06/89		01/14/03	02/01/06
719	9	Perry	North East Madison	6,393	47	77	07/06/90		01/09/01	02/01/06
720	10	Perry	Oliver	3,119	37	40	08/11/92		11/22/00	02/01/06
721	11	Perry	Penn	3,056	66	62	07/20/84	04/29/14	09/11/15	12/09/15
722	12	Perry	Rye	3,412	49	49	07/24/89	11/13/00	11/22/00	02/01/06
723	13	Perry	Saville	3,615	29	37	03/14/91		01/03/01	02/01/06
724	14	Perry	Spring	5,526	47	73	08/27/91		12/01/00	02/01/06
725	15	Perry	South West Madison	4,881	26	38	03/30/90		12/08/00	02/01/06
726	16	Perry	Toboyne	1,328	10	11	03/11/02	03/11/09	01/31/07	10/24/07
727	17	Perry	Tuscarora	6,196	55	63	12/14/90	11/09/00	10/28/03	02/01/06
728	18	Perry	Tyrone	3,496	28	34	12/10/90		11/22/00	02/01/06
729	19	Perry	Watts	1,965	22	27	03/26/01	03/26/08	11/16/04	02/01/06
730	20	Perry	Wheatfield	2,628	38	40	07/06/92		03/06/06	06/27/06
				<b>85,278</b>						
731	1	Pike	Lackawaxen	726	9	8	08/23/07	08/23/14	10/10/13	11/20/13
732	2	Pike	Greene	542	9	10	12/29/09	12/29/16	10/12/11	11/04/11
733	3	Pike	Dingman	852	5	10	02/14/08	02/14/15	06/16/09	07/15/09
734	4	Pike	Westfall	926	2	8	08/04/09	08/04/16	08/04/09	06/06/11
				<b>3,046</b>						
735	1	Potter	Abbot	1,185	7		09/02/96	09/03/03		
736	2	Potter	Allegheny	10,380	39		09/01/84	09/02/91		
737	3	Potter	Bingham	2,109	9		04/02/97	04/02/04		
738	4	Potter	Eulalia	4,187	22		05/01/95	05/01/02		
739	5	Potter	Genesee	6,937	36		02/04/84	02/04/91		
740	6	Potter	Harrison	7,008	57		07/03/84	07/04/91		
741	7	Potter	Hebron I	3,940	35		02/07/92	02/07/99		
742	8	Potter	Hebron II	2,330	1		11/03/95	11/03/02		
743	9	Potter	Hector	538	4		03/13/85	03/13/92		
744	10	Potter	Oswayo	5,366	41		07/07/95	07/07/02		
745	11	Potter	Pleasant Valley	989	10		10/03/89	10/03/96		
746	12	Potter	Roulette	3,394	25		10/11/91	10/11/98		
747	13	Potter	Sweden	5,968	15		10/07/91	10/07/98		
748	14	Potter	Ulysses	11,863	56		08/18/83	08/18/90		
749	15	Potter	West Branch	2,093	12		07/03/95	07/03/02		
				<b>68,287</b>						
750	1	Schuylkill	Barry	4,326	92		02/12/90	02/12/97		
751	2	Schuylkill	East Brunswick	3,384	28		10/25/90	10/25/97		
752	3	Schuylkill	Eldred I	4,542	31		04/04/89	04/04/96		
753	4	Schuylkill	Eldred II	1,569	18		08/04/92	08/05/99		
754	5	Schuylkill	Hegins	5,070	39		02/06/95	02/06/02		
755	6	Schuylkill	Hubley	1,829	19		12/03/90	12/03/97		
756	7	Schuylkill	Pine Grove	1,626	19		04/10/91	04/10/98		
757	8	Schuylkill	Porter	1,362	18		05/29/02	05/29/09		
758	9	Schuylkill	Ryan	1,112	22		04/10/02	04/10/09		

		<u>COUNTY</u>	<u>TOWNSHIP</u>	<u>ACRES</u>	<u>LAND OWNERS</u>	<u>PARCELS</u>	<u>CREATED</u>	<u>7-YEAR REVIEW</u>	<u>LAST RECORDED ACTION</u>	<u>DATE UPDATED</u>
759	10	Schuylkill	South Manheim	2,746	36	67	06/03/91		11/06/06	10/24/07
760	11	Schuylkill	Union	4,268	1		11/05/90	11/05/97		
761	12	Schuylkill	Upper Manhantongo	4,427	33		02/01/93	02/02/00		
762	13	Schuylkill	Walker	2,365	26		04/17/91	04/17/98		
763	14	Schuylkill	Washington	3,641	28		06/30/89	06/30/96		
764	15	Schuylkill	Wayne I	4,099	43		09/27/89	09/27/96		
765	16	Schuylkill	Wayne II	1,969	73		08/21/91	08/21/98		
766	17	Schuylkill	West Brunswick	1,009	17	7	03/06/96	03/07/03	04/07/11	04/28/11
767	18	Schuylkill	West Penn	14,415	138	458	02/04/85	02/05/92	12/27/10	02/16/11
				<b>63,759</b>						
768	1	Snyder	Adams	4,450	36		08/02/90	08/02/97		
769	2	Snyder	Beaver	4,641	38		12/06/90	12/06/97		
770	3	Snyder	Center	5,436	48		04/04/91	04/04/98		
771	4	Snyder	Chapman	765	8		02/04/02	02/04/09		
772	5	Snyder	Franklin	6,796	43		12/28/89	12/28/96	04/28/10	06/01/10
773	6	Snyder	Jackson	6,348	64		08/13/90	08/13/97		
774	7	Snyder	Middlecreek	5,205	57		01/02/90	01/02/97		
775	8	Snyder	Monroe	3,013	32		11/12/91	11/12/98		
776	9	Snyder	Penn	5,172	46		12/03/89	12/03/96		
777	10	Snyder	Perry	984	2		05/11/89	05/11/03		
778	11	Snyder	Spring	4,860	41		05/28/91	05/28/98		
779	12	Snyder	Union	2,985	22	2	05/08/90	05/08/97		06/09/08
780	13	Snyder	Washington	5,815	43		09/15/86	09/15/93		
781	14	Snyder	West Beaver	3,591	37		09/17/90	09/17/97		
782	15	Snyder	West Perry	1,730	22		07/24/03	07/24/10		
				<b>61,791</b>						
783	1	Somerset	Allegheny	5,116	34		10/04/93	10/04/00		
784	2	Somerset	Brothersvalley	14,827	128		12/27/93	12/27/00		
785	3	Somerset	Conemaugh	5,812	47		06/20/95	06/20/02		
786	4	Somerset	Jefferson	6,137	36		09/13/95	09/13/02		
787	5	Somerset	Jenner	8,573	60		06/13/91	06/13/98		
788	6	Somerset	Larimer	4,397	33		10/04/93	10/04/00		
789	7	Somerset	Lincoln	6,695	56		12/03/93	12/03/00		
790	8	Somerset	Milford	6,906	54		12/30/93	12/30/00		
791	9	Somerset	Northampton	3,777	18		03/04/93	03/04/00		
792	10	Somerset	Paint	2,187	22		05/17/93	05/17/00		
793	11	Somerset	Quemahoning	5,959	34		08/12/91	08/12/98	01/12/15	03/12/15
794	12	Somerset	Shade	2,507	16		12/30/92	12/31/99		
795	13	Somerset	Somerset	8,093	56		06/10/92	06/11/99		
796	14	Somerset	Stonycreek	4,417	24		07/09/93	07/09/00		
797	15	Somerset	Southampton	3,014	20		02/01/94	02/01/04	02/15/94	02/18/09
798	16	Somerset	Summit	5,623	55		03/04/84	03/05/91		
799	17	Somerset	Upper Turkeyfoo	13,540	79		02/11/93	02/12/00		
				<b>107,580</b>						

		<u>COUNTY</u>	<u>TOWNSHIP</u>	<u>ACRES</u>	<u>LAND OWNERS</u>	<u>PARCELS</u>	<u>CREATED</u>	<u>7-YEAR REVIEW</u>	<u>LAST RECORDED ACTION</u>	<u>DATE UPDATED</u>
800	1	Sullivan	Cherry	2,059	15	35	07/13/92	06/04/13	06/14/13	06/25/13
801	2	Sullivan	Elkland	3,954	20		07/02/90	11/01/12	11/01/12	05/20/13
802	3	Sullivan	Forks	4,496	33	4	08/01/90	08/01/97	08/09/13	02/12/15
803	4	Sullivan	Fox	1,653	16	2	08/11/96	08/12/03	09/11/12	05/20/13
804	5	Sullivan	Shrewsbury	1,034	7	9	07/03/03	07/03/11	07/03/03	01/24/12
				<b>13,196</b>						
805	1	Susquehanna	Apolacon/L. Mea. Boro	3,599	36		01/05/90	01/05/97		
806	2	Susquehanna	Ararat	13,851	43		10/07/91	10/07/98	03/09/07	10/24/07
807	3	Susquehanna	Auburn	6,267	45		12/24/91	12/24/98		
808	4	Susquehanna	Bridgewater I	8,749	55		07/01/88	07/02/95		
809	5	Susquehanna	Bridgewater I	1,245	13		03/10/93	03/10/00		
810	6	Susquehanna	Bridgewater/Montrose	2,648	22		09/01/92	09/02/99		
811	7	Susquehanna	Brooklyn	9,362	62		12/14/88	12/15/95		
812	8	Susquehanna	Choconut I	3,060	36		09/04/90	09/04/97		
813	9	Susquehanna	Choconut II	1,555	43		08/03/92	08/04/99		
814	10	Susquehanna	Clifford	2,953	18		04/02/85	04/02/92		
815	11	Susquehanna	Dimock	6,568	64		09/12/88	09/13/95		
816	12	Susquehanna	Forest Lake I	2,815	17		05/29/90	05/29/97		
817	13	Susquehanna	Forest Lake II	1,614	9		11/02/92	11/03/99		
818	14	Susquehanna	Franklin	4,133	59		07/11/89	07/11/96		
819	15	Susquehanna	Gibson	7,006	54	61	11/04/85	06/05/06	06/05/06	06/24/06
820	16	Susquehanna	Great Bend	3,193	35		10/04/90	10/04/97		
821	17	Susquehanna	Harford	8,259	64		05/03/89	05/03/96		
822	18	Susquehanna	Harmony	626	12		08/06/95	08/06/02		
823	19	Susquehanna	Herrick	6,128	62		07/07/86	07/07/93		
824	20	Susquehanna	Jackson	3,441	17		03/04/91	03/04/98		
825	21	Susquehanna	Jessup	8,027	55		09/08/87	09/08/94		
826	22	Susquehanna	Lanesboro	583	7		01/03/95	01/03/02		
827	23	Susquehanna	Lathrop I	3,430	14		07/09/87	07/09/94		
828	24	Susquehanna	Lathrop II	4,928	66		07/13/89	07/13/96		
829	25	Susquehanna	Lenox I	12,121	116		11/08/88	11/09/95		
830	26	Susquehanna	Lenox II	4,415	45		05/06/92	05/07/99		
831	27	Susquehanna	Liberty	10,618	66		08/25/89	08/25/96		
832	28	Susquehanna	Middletown	9,275	98		04/10/92	09/07/07	09/07/07	10/07/09
833	29	Susquehanna	New Milford	7,750	85		05/30/90	05/30/97		
834	30	Susquehanna	Oakland	1,358	10		11/19/92	11/20/99		
835	31	Susquehanna	Rush I	6,994	42		08/03/88	08/04/95		
836	32	Susquehanna	Rush II	4,246	40		11/04/92	11/05/99		
837	33	Susquehanna	Silver Lake	3,789	69		03/13/89	03/13/96		
838	34	Susquehanna	Springville	12,092	95		09/19/88	09/20/95		
839	35	Susquehanna	Thompson	4,449	41		11/04/91	11/04/98		
				<b>191,147</b>						



		<u>COUNTY</u>	<u>TOWNSHIP</u>	<u>ACRES</u>	<u>LAND OWNERS</u>	<u>PARCELS</u>	<u>CREATED</u>	<u>7-YEAR REVIEW</u>	<u>LAST RECORDED ACTION</u>	<u>DATE UPDATED</u>
840	1	Tioga	Brookfield	3,461	19	33	06/05/02	06/05/09	03/04/05	02/01/06
841	2	Tioga	Charleston	11,098	135	118	10/29/90	06/17/03	06/17/03	02/01/06
842	3	Tioga	Chatham	4,307	50	39	01/25/91		01/25/91	02/01/06
843	4	Tioga	Clymer	4,214	24	43	10/02/08	10/02/15	10/02/08	10/20/08
844	5	Tioga	Covington	4,783	27	33	10/13/92			02/01/06
845	6	Tioga	Deerfield	1,121	13	13	12/30/11	12/30/18	12/30/11	02/16/12
846	7	Tioga	Delmar	13,229	88	90	05/08/90	07/07/97	05/03/05	02/01/06
847	8	Tioga	Farmington	12,184	98	135	01/07/91			02/01/06
848	9	Tioga	Jackson	8,933	100	88	07/09/91			02/01/06
849	10	Tioga	Lawrence	1,545	8	23	08/04/03	08/04/10		03/28/06
850	11	Tioga	Liberty	10,648	35	96	10/10/91			02/01/06
851	12	Tioga	Middlebury	724	3	14	02/25/05	02/25/12		02/01/06
852	13	Tioga	Morris	1,616	10	18	06/12/90			02/01/06
853	14	Tioga	Nelson	658	2		08/14/06			
854	15	Tioga	Osceola	953	5	9	09/16/04	09/16/11		02/01/06
855	16	Tioga	Richmond	2,901	17	29	06/21/96			02/01/06
856	17	Tioga	Rutland	10,070	119	124	11/02/95			02/01/06
857	18	Tioga	Shippen	2,254	20	26	09/10/90		09/16/91	02/01/06
858	19	Tioga	Sullivan	9,325	91	101	06/17/91			02/01/06
859	20	Tioga	Union	5,340	53	87	08/16/91		12/28/93	02/01/06
860	21	Tioga	Westfield	4,224	17	33	08/05/03	08/05/10	04/06/05	02/01/06
				<b>113,588</b>						
861	1	Union	Buffalo	8,502	81	1	01/03/83	01/03/90	04/05/15	05/07/15
862	2	Union	East Buffalo	3,328	27		02/12/90	02/12/97		
863	3	Union	Gregg	3,827	22		06/11/90	06/11/97		
864	4	Union	Hartley	4,120	38		04/05/93	04/05/00		
865	5	Union	Kelly	6,725	79		04/08/83	04/08/90		
866	6	Union	Lewis	6,026	70		04/22/85	04/22/92		
867	7	Union	Limestone	7,738	70		12/14/89	12/14/96		
868	8	Union	Union	35	1		07/06/93	07/06/00		
869	9	Union	West Buffalo	6,803	88		12/09/89	12/09/96		
870	10	Union	White Deer	2,639	27		05/23/90	05/23/97		
				<b>49,743</b>						
871	1	Venango	Canal	5,276	72		06/04/96	06/05/03		
872	2	Venango	Frenchcreek	2,133	47		11/12/98	11/12/05		
873	3	Venango	Richland	1,830	17		10/12/95	10/12/02		
				<b>9,239</b>						
874	1	Warren	Farmington	3,418	23		09/04/92	09/05/99		
875	2	Warren	Glade	1,014	6		03/16/93	03/16/00		
876	3	Warren	Pine Grove	1,681	34		06/08/07	06/08/14	06/13/07	06/25/07
877	4	Warren	Pittsfield	2,235	9		05/12/92	05/13/92		
878	5	Warren	Spring Creek	2,387	17		04/19/90	04/19/97		
				<b>10,735</b>						

		<u>COUNTY</u>	<u>TOWNSHIP</u>	<u>ACRES</u>	<u>LAND OWNERS</u>	<u>PARCELS</u>	<u>CREATED</u>	<u>7-YEAR REVIEW</u>	<u>LAST RECORDED ACTION</u>	<u>DATE UPDATED</u>
879	1	Washington	Amwell	3,920	36		03/25/98	03/25/05		
880	2	Washington	Beallsville Boro	850	9		10/22/99	11/22/06		
881	3	Washington	Blaine	992	14		11/06/89	11/06/96		
882	4	Washington	Buffalo	1,385	11		06/04/96	06/05/03		
883	5	Washington	Canton	1,585	22		02/10/05	02/11/12		
884	6	Washington	Cecil	4,349	54		10/20/93	10/20/00		
885	7	Washington	Chartiers	4,062	21		11/29/94	11/29/01		
886	8	Washington	Cross Creek	3,404	23		02/19/89	02/20/96		
887	9	Washington	Deemston Boro	2,376	28		11/01/92	11/02/99		
888	10	Washington	Donegal	2,081	35	23	05/15/95	11/11/15	02/29/16	03/11/16
889	11	Washington	Forward	2,283	20		09/15/03	09/15/10		
890	12	Washington	Hanover	1,973	34		08/19/99	08/19/06		
891	13	Washington	Hopewell	4,660	31		10/08/93	10/08/00		
892	14	Washington	Independence	4,492	31		10/09/83	10/09/90		
893	15	Washington	Jefferson	987	3		07/19/93	07/19/00		
894	16	Washington	Morris	2,297	12		04/02/07		05/18/07	
895	17	Washington	Mt. Pleasant	5,133	45	2	03/08/95	03/08/02	08/26/08	09/15/08
896	18	Washington	North Bethlehem	1,964	15	2	05/25/94	05/25/01	09/17/13	11/21/13
897	19	Washington	North Strabane	2,231	21		08/22/95	08/22/02		
898	20	Washington	Nottingham	2,041	39	46	08/22/95		10/16/13	10/22/13
899	21	Washington	Peters	1,585	24		01/25/93	01/26/00		
900	22	Washington	Robinson	1,469	14	17	02/13/06	02/13/13	02/13/06	06/12/06
901	23	Washington	Smith	3,906	34		11/07/96	11/08/03		
902	24	Washington	Somerset	2,946	27		10/09/89	10/09/96		
903	25	Washington	Union	1,831	35		07/11/84	07/12/91		
904	26	Washington	West Bethlehem	1,042	7		07/13/93	07/13/00		
905	27	Washington	West Pike Run	1,186	10		07/11/94	07/11/01		
				<b>67,030</b>						
906	1	Wayne	Berlin	4,248	55		03/29/90	03/29/97		
907	2	Wayne	Buckingham	4,332	72		08/04/92	08/05/99		
908	3	Wayne	Canaan	1,488	17		06/06/01	06/06/08		
909	4	Wayne	Cherry Ridge	3,700	35		08/06/84	08/07/91		
910	5	Wayne	Clinton	8,650	97		06/05/89	06/05/96		
911	6	Wayne	Damascus	7,190	51		04/23/90	04/23/97		
912	7	Wayne	Dyberry	2,980	35		12/13/93	12/13/00		
913	8	Wayne	Lake/Salem/Paupack	3,482	38		06/19/89	06/19/96	04/02/13	06/27/13
914	9	Wayne	Lebanon	2,710	37		10/08/92	10/09/99		
915	10	Wayne	Manchester	4,081	17		06/07/89	06/07/96		
916	11	Wayne	Mt. Pleasant	12,971	92		09/05/90	09/05/97		
917	12	Wayne	Oregon	5,032	39		11/06/90	11/06/97		
918	13	Wayne	Palmyra	1,725	19		03/05/90	03/05/97		
919	14	Wayne	Preston	14,299	96		05/03/90	05/03/97		
920	15	Wayne	Salem	4,031	45	6	12/31/99	12/31/06	02/12/13	04/30/13
921	16	Wayne	Scott	5,440	35		12/19/89	12/19/96		

		<u>COUNTY</u>	<u>TOWNSHIP</u>	<u>ACRES</u>	<u>LAND OWNERS</u>	<u>PARCELS</u>	<u>CREATED</u>	<u>7-YEAR REVIEW</u>	<u>LAST RECORDED ACTION</u>	<u>DATE UPDATED</u>
922	17	Wayne	South Canaan	4,716	57		12/06/89	12/06/96		
923	18	Wayne	Straruca Borough	2,829	22		10/04/93	10/04/00		
924	19	Wayne	Sterling	4,093	30		08/09/89	08/09/96		
				<b>97,997</b>						
925	1	Westmoreland	Allegheny	3,190	58	76	11/30/92	02/24/99	12/03/07	11/21/07
926	2	Westmoreland	Bell	2,377	26	36	04/09/91	04/09/05		08/31/07
927	3	Westmoreland	Derry	10,107	108	135	06/06/90	06/06/04		08/31/07
928	4	Westmoreland	Donegal	1,841	19	25	04/09/92	02/11/13	04/12/13	04/25/13
929	5	Westmoreland	East Huntingdon	5,450	67	89	11/04/04	11/04/11	06/04/10	06/22/10
930	6	Westmoreland	Fairfield	4,698	42	53	11/15/91	11/15/05		08/31/07
931	7	Westmoreland	Hempfield	4,591	87	121	08/13/92	08/06/99	10/25/13	11/06/13
932	8	Westmoreland	Ligioner	10,046	33	39	12/11/90	12/11/04	09/17/10	10/04/10
933	9	Westmoreland	Loyalhanna	2,336	30	41	01/07/91	01/07/05		08/31/07
934	10	Westmoreland	Mt. Pleasant	5,455	62	92	02/11/91	02/11/05	06/22/12	09/07/12
935	11	Westmoreland	Murrysville Borough	2,262	51	59	08/03/94	08/03/01		08/31/07
936	12	Westmoreland	Penn	4,197	112	133	08/26/92	05/04/06	05/04/06	08/31/07
937	13	Westmoreland	Rostraver	2,755	51	65	12/18/91	08/19/05	05/08/13	06/06/13
938	14	Westmoreland	Salem	4,192	44	65	03/13/91	03/13/05		08/31/07
939	15	Westmoreland	Sewickley	4,328	68	78	02/04/91	02/04/05		08/31/07
940	16	Westmoreland	South Huntingdon	4,934	64	89	02/28/91	02/28/05	04/15/11	04/28/11
941	17	Westmoreland	St. Clair	855	11	11	02/02/91	02/02/05	06/10/10	11/12/10
942	18	Westmoreland	Unity	4,613	57	85	05/24/91	05/24/05		08/31/07
943	19	Westmoreland	Upper Burrell				05/04/15		05/29/15	02/09/16
944	20	Westmoreland	Washington	724	21	22	07/14/09	07/14/16	04/09/10	04/15/10
				<b>78,951</b>						
945	1	Wyoming	Braintrim	1,845	12	10	06/20/94			02/01/06
946	2	Wyoming	Clinton	2,771	21	25	07/13/00	07/13/07	07/24/00	02/01/06
947	3	Wyoming	Eaton	3,225	28	42	11/10/97	11/09/04		02/01/06
948	4	Wyoming	Exeter	453	14	15	10/27/95			02/01/06
949	5	Wyoming	Falls	1,965	22	26	12/23/97			02/01/06
950	6	Wyoming	Forkston	1,578	5	6	02/10/05			02/01/06
951	7	Wyoming	Lemon	4,998	31	38	12/05/84			02/01/06
952	8	Wyoming	Mehoopany	2,853	14	18	04/16/85			02/01/06
953	9	Wyoming	Meshoppen	5,102	70	72	11/16/93			02/01/06
954	10	Wyoming	Monroe	2,527	27	32	09/21/00	09/21/07	09/17/07	09/27/07
955	11	Wyoming	Nicholson	6,330	61	69	02/08/84	02/04/91	06/20/03	02/01/06
956	12	Wyoming	North Branch	4,326	34	42	03/20/92			02/01/06
957	13	Wyoming	Northmoreland	3,150	44	60	09/12/96	04/01/03		02/01/06
958	14	Wyoming	Overfield	4,325	84	98	10/17/84	09/10/91		02/01/06
959	15	Wyoming	Tunkhannock	3,731	49	54	05/18/84		03/25/98	02/01/06
960	16	Wyoming	Washington	4,956	36	36	04/12/85	08/24/92	01/07/97	02/01/06
961	17	Wyoming	Windham	2,249	20	26	05/08/89	03/24/94	12/27/94	02/01/06
				<b>56,384</b>						

		<u>COUNTY</u>	<u>TOWNSHIP</u>	<u>ACRES</u>	<u>LAND OWNERS</u>	<u>PARCELS</u>	<u>CREATED</u>	<u>7-YEAR REVIEW</u>	<u>LAST RECORDED ACTION</u>	<u>DATE UPDATED</u>
962	1	York	Chanceford	15,939	153	10	07/18/88	07/19/95	06/10/13	07/08/13
963	2	York	Codorus	7,554	102		03/08/89	03/08/96		
964	3	York	Conewago	2,190	19		08/15/88	08/16/95		
965	4	York	Cross Roads Borough	745	18		07/14/92	07/15/99		
966	5	York	Dover	6,198	63	4	08/08/88	08/08/95	10/24/12	12/12/12
967	6	York	East Hopewell	7,635	84	2	08/14/89	08/14/96	04/03/13	06/05/13
968	7	York	East Manchester	1,840	23	4	02/05/91	02/05/98	07/09/14	08/01/14
969	8	York	Fairview	1,404	8		08/19/91	08/19/98		
970	9	York	Fawn	8,918	81	2	09/28/89	09/28/96	09/11/13	09/19/13
971	10	York	Franklin	708	7		06/26/01	06/26/08		
972	11	York	Heidelberg	1,754	27		12/04/96	12/05/03		
973	12	York	Hellam	5,758	72	5	09/19/87	09/19/94	04/20/15	05/29/15
974	13	York	Hopewell/Stewtn Boro	86,405	78	7	06/01/89	06/01/10	08/10/15	08/25/15
975	14	York	Jackson	4,304	46		03/07/89	03/07/96		
976	15	York	Lower Chanceford	12,703	91	10	11/01/88	11/02/95	08/02/11	08/10/11
977	16	York	Lower Windsor	5,776	110		03/14/96	03/15/03		
978	17	York	Manchester	1,443	23	20	10/11/88	10/12/95	06/09/09	06/06/11
979	18	York	Manheim	3,353	113	88	05/04/95	05/04/02	04/02/12	06/15/12
980	19	York	Monaghan	1,447	20		01/08/08	01/08/15	03/08/10	04/12/10
981	20	York	Newberry	1,569	20	7	02/25/91	9.24.12	9.24.12	12.12.12
982	21	York	North Codorus	11,128	185	240	03/08/89	03/08/96	10/01/10	11/22/10
983	22	York	North Hopewell I	5,541	77		12/06/88	12/07/95		
984	23	York	North Hopewell II	1,084	14		02/22/93	02/23/00		
985	24	York	Paradise	5,967	70	1	11/19/87	11/19/94	09/12/09	10/07/09
986	25	York	Peach Bottom	9,770	86		02/06/89	02/07/96	08/04/08	08/07/08
987	26	York	Penn	606	16	12	04/21/97	04/21/04		02/11/09
988	27	York	Shrewsbury	6,898	63		12/07/88	10/08/95		
989	28	York	Springettsbury	977	25		01/11/90	01/11/97		
990	29	York	Springfield	7,546	80	4	02/01/89	02/01/96	09/14/10	09/21/10
991	30	York	Warrington	3,027	46		08/02/89	08/02/96		
992	31	York	Washington	8,848	98	22	02/20/89	02/21/96	05/13/13	06/06/13
993	32	York	West Manchester	2,814	17		09/28/89	09/28/96		
994	33	York	Windsor	4,481	56	1	03/08/90	03/08/97	11/19/07	01/24/08
995	34	York	Winterstown Borough	843	12		02/14/89	02/15/96		
996	35	York	York	2,876	53		05/25/89	05/25/96		
				<b>250,049</b>						
			<b>TOTALS:</b>	3,964,609	40,296	34,920			996 townships, 65 counties	

# **Agricultural Security Area Handbook**



## ***Section 8.6:*** **ASA Fact Sheet**

# Agricultural Security Areas

A publication of the Pennsylvania Department of Agriculture  
Tom Wolf, Governor | Russell Redding, Secretary

## What is an Agricultural Security Area?

Agricultural Security Areas (ASA) are a tool for protecting Pennsylvania agriculture. Farmers work with their municipalities to establish areas where agriculture is the primary activity. The ASA designation shows that farming is a local priority and promotes more permanent and viable farming operations. Local municipalities create ASAs at the request of landowners who agree to collectively place at least 250 acres in an ASA.

## Who can participate?

Landowners whose property meets these criteria:

- Farm parcels of 10 acres or more, or parcels with an anticipated yearly income of at least \$2,000 from agricultural products.
- The property should be viable agricultural land used for the production of crops, livestock or livestock products, although some nonviable farm land and non-farm land may be included if not feasible to exclude.
- At least 50 percent of the land should be within Soil Capability Classes I-IV or be actively farmed in accordance to a conservation plan.
- The property must be zoned to permit agricultural uses.

## What are the benefits of having an enrolled farm?

- The ASA designation is a prerequisite for consideration in the Farmland Preservation Program. Farms within an ASA consisting of at least 500 acres are eligible to apply for an agricultural conservation easement purchase by the commonwealth.
- Government cannot enact local laws or ordinances unreasonably restricting farm structures or practices within ASAs, unless restrictions or regulations have a direct relationship to public health or safety.
- No land can be condemned through eminent domain without being approved by the Agricultural Lands Condemnation Approval Board (ALCAB).

## What is included in “crops, livestock and livestock products?”

- Field crops including corn, soybeans, wheat, oats, rye, barley, hay, potatoes and dry beans;
- Fruits including apples, peaches, grapes, cherries and berries;
- Vegetables including tomatoes, snap beans, cabbage, carrots, beets, onions and mushrooms;
- Horticultural specialties including nursery stock, ornamental shrubs, trees and flowers;
- Livestock and livestock products including cattle, sheep, hogs, goats, horses, poultry, furbearing animals, milk, eggs and furs;
- Timber, wood and other wood products derived from trees; and
- Aquatic plants and animals and their byproducts.

## What are the restrictions on the enrolled land?

The ASA designation does not restrict the use of the property by the farmer. The farmer may sell or subdivide the property. The farmer or any subsequent owners may develop

the property in any manner authorized by local zoning, subdivision and land development regulations.

### **Can I remove my property from the ASA after it has been enrolled?**

While you're obligated to maintain ASA status on the farm for seven years after the initial application, after that you can submit a written request to your local governing body, identifying the land and noting the number of acres to be removed.

### **What is a Seven Year Review?**

The local agricultural advisory committee and governing body will review the ASA seven years from the date the ASA was created by the vote of the governing body, and every seven years after that. This is a chance for the local governing body to add, modify or remove properties, provided it submits written justification for the changes to the landowner. If the body fails to review the ASA at that time, the ASA is automatically renewed as-is for another seven year period.

### **How do I apply?**

1. Submit an ASA proposal form to the local government unit by certified mail, return receipt requested. Forms may be acquired from the local municipality, county farmland preservation office or Pennsylvania Department of Agriculture website, [www.agriculture.state.pa.us](http://www.agriculture.state.pa.us).
2. The return receipt is official notice that the municipality has received the form. The date on the receipt is the official date for calculating the reviewing period.
3. Landowners within a proposed ASA are not required to pay application fees.

### **Must I reapply annually for ASA status?**

The designation stays with the property when it is sold or subdivided. Re-enrollment is not required.

### **Contact Us**

For more information or an application, visit the Pennsylvania Department of Agriculture website at [www.agriculture.state.pa.us](http://www.agriculture.state.pa.us), contact the county farmland preservation office or your local municipality.

### **Pennsylvania Department of Agriculture, Bureau of Farmland Preservation**

2301 N. Cameron St., Room 402, Harrisburg, PA 17110-9408

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# **Agricultural Security Area Handbook**



## ***Section 8.7:*** **ASA Timeline**



# ASA Application Timeline

## 180 Day Application Period

### **Process Initiation**

The ASA form is submitted to the local governing body with a return receipt requested.

### **Start of the ASA Application Process (Day 1)**

The local government will acknowledge the ASA application and send a return receipt to the applicant. The date on the return receipt is the official day 1 of the application process.

### **Public Notification (By Day 15)**

The local governing body shall provide public notification of an ASA proposal within 15 days of the date of the receipt.

### **Window for Objections and Proposed Modifications (By 15th Day After Public Notification)**

All objections and proposed modifications to the ASA that has been proposed are due to the local governing unit by the 15th day after public notification has been presented.

### **Planning Commission and Advisory Committee Review (Up to 45 Days)**

Upon the completion of the 15 day window for objections and proposed modifications the ASA proposal will be forwarded to the County Planning Commission and local Advisory Committee for Review.

The planning commission and advisory committee will have up to 45 days to review the ASA application.

### **Public Hearing and Local Government Decision (Up until the 180th Day)**

Upon the expiration of the 45-day review period or the delivery of the reports from the planning commission and advisory committee a public hearing shall be held.

The purpose of the hearing is for the local government unit to decide whether to reject or adopt the ASA proposal or any modification of the proposal.

If the local governing unit fails to come up with a decisions by the 180th day the ASA proposal shall be deemed adopted.

### **Notice of Decision (By the 10th Day after the Local Government's Decision)**

Regardless of whether the local government decided to adopt or reject the ASA proposal the local government is require to notify all affected landowners within 10 days of the decision.

### **Filing of ASA Description (By the 10th Day after the Local Government's Decision)**

If an ASA proposal has been passed or modified then the local government must file a description of the ASA with the county planning commission, county recorder of deeds and the planning commission of the local community affected.



**pennsylvania**

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