

**COMMONWEALTH OF PENNSYLVANIA**  
**GOVERNOR'S OFFICE**  
**EXECUTIVE ORDER**

Edward G. Rendell, Governor

**Subject:**

**Agricultural Land Preservation Policy**

**Date: March 20, 2003**

**Number: 2003-2**

**By Direction of: Edward G. Rendell, Governor**

WHEREAS, Pennsylvania is the most productive agricultural state in the Northeast with more than 50,000 farms and 7.7 million acres of crop and pasture land; and WHEREAS, the Commonwealth's abundant supply of agricultural land has sustained farm families, farm operations, and rural communities in Pennsylvania for generations; and

WHEREAS, Pennsylvania farmers are a vital component of the Commonwealth's economy, a leading economic enterprise in the Commonwealth, generating over \$4.5 billion annually in cash receipts, supporting a \$45 billion a year economic activity and employing nearly one-fifth of Pennsylvania's workforce; and

WHEREAS, increased land development and farm costs have caused Pennsylvania to lose more than 46 percent of its farmland since 1950; and WHEREAS, Pennsylvania's future generations need to be assured a reliable source of food and fiber; and

WHEREAS, federal, state, and local governments, along with individual landowners, are valuable partners in the effort to identify and preserve critical farmlands; and

WHEREAS, from 1988 through 2003, the Commonwealth of Pennsylvania and participating counties have invested over \$510 million, and preserved almost 250,000 acres of agricultural land under the Agricultural Conservation Easement Purchase Program; and

WHEREAS, part of the Commonwealth's continuing efforts is to conserve its farmland, assist farm operations, and preserve the quality of life in rural communities, it is in the best interest of all Pennsylvanians that the Commonwealth continue its Agricultural Land Preservation Policy; and

WHEREAS, all state agencies under the Governor's jurisdiction should work together to preserve agricultural lands with a common definition of **prime** agricultural land and a common vision.

NOW, THEREFORE, be it resolved that I, Edward G. Rendell, Governor of the Commonwealth

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of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby order and direct all agencies under my jurisdiction seek to mitigate and protect against the conversion of prime agricultural land and adopt policies herewith.

1. It shall be the policy of the Commonwealth to protect through the administration of all agency programs and regulations, the Commonwealth's "prime agricultural land" from irreversible conversion to uses that result in its loss as an environmental and essential food and fiber resource.
2. Commonwealth funds and Commonwealth-administered federal funds shall not be used to encourage the conversion of "prime agricultural land" to other uses when feasible alternatives are available.
3. The "prime agricultural land" to be protected under this *Executive Order* shall include lands:
  - a. in active agricultural use (not including the growing timber);
  - b. lands devoted to active agricultural use the preceding three years; and
  - c. fall into at least one of the categories of agricultural land described below. State agencies shall provide protection to "prime agricultural land" under this *Executive Order* based upon the following levels of priority:

**(1) Preserved Farmland (Highest Priority).** Preserved farmland includes lands that fit into either of the following categories:

**(a)** Farmland that is restricted to agricultural use by an agricultural conservation easement that has been recorded in the appropriate county land records office. Such easements include:

- 1 easements owned by the Commonwealth and/or county and township under the authority of *Act 43 of 1981, as amended*, the *Agricultural Area Security Law*, and
- 2 easements owned by any other "qualified conservation organization," as that term is defined at *Section 170 (h) (3)* of the *Internal Revenue Code*. Qualified conservation organizations can include private nonprofit land conservation organizations, in addition to local governments and state governments.

**(b)** Farmland that is restricted to agricultural use by deed restrictions that have been imposed under the authority of *Act 442 of 1968* and that have been recorded in the appropriate county land records office.

**(2) Farmland in Agricultural Security Areas (Second Highest Priority).**

Farmland approved by local government units after public review and comment according to the procedures in *Act 43 of 1981, as amended*.

**(3) Farmland Enrolled in Act 319 of 1974, As Amended (Clean and Green) or Act 515 of 1996, As Amended (Third Highest Priority).** Farmland enrolled for preferential tax assessments as land in "agriculture use" (*Act 319*) or "farmland" (*Act 515*).

**(4) Farmland Planned for Agriculture Use and Subject to Effective Agricultural Zoning (Fourth Highest Priority).** Farmland designated for agricultural use in a comprehensive plan and zoning ordinance adopted pursuant to *Act 247 of 1968, as amended*, the *Municipalities Planning Code* that delineates an area of agriculturally valuable soils and existing farms.

**(5) Land Capability Classes I, II, III, and IV Farmland and Unique Farmland (Fifth Highest Priority).** Land Capability Classes I, II, III, and IV Farmland is mapped by the U. S. Department of Agriculture (USDA) Natural Resources Conservation Service (formerly Soil Conservation Service) and published in county soil surveys. "Unique Farmland" is defined by the USDA Natural Resources Conservation Service as land other than prime farmland that is used for the production of specific high value food and fiber crops. The USDA Natural Resources Conservation Service has established a mechanism under which Unique Farmland is identified and mapped by interested county committees.

**4.** The Agricultural Land Condemnation Approval Board (ALCAB) shall consider this policy in its review of agricultural lands proposed for condemnation authorized under *Act 100 of 1979*, and *Act 43 of 1981, as amended*. *Act 100* requires ALCAB's approval for the condemnation of agricultural lands for highways and solid and liquid waste disposal facilities. *Act 43 of 1981, as amended*, requires ALCAB's approval for condemnation of land in Agricultural Security Areas and land protected by Agricultural Conservation Easements.

**5.** All agencies under the Governor's jurisdiction shall amend their individual documents titled *Guidance for Implementation of the Agricultural Land Preservation Policy* within six months of the date of this order. The amended guidance document shall be submitted to the Governor's Policy Office and the Department of Agriculture. This guidance document shall include:

**a.** A listing of agency actions including land acquisitions, planning, construction, permit review, and financial assistance that may directly or indirectly impact prime agricultural lands.

**b.** A statement of agency guidelines and procedures, which have been or will be instituted to eliminate or minimize impacts detrimental to the continued use of prime agricultural lands.

**c.** A description of any changes in statutes or regulations needed to implement the intent of this order.

**6.** The following Commonwealth agencies shall participate in an interagency committee, chaired

by the Department of Agriculture, to solve mutual problems in meeting the objectives of this order:

- a.** Governor's Policy Office.
- b.** Governor's Budget Office.
- c.** Department of Agriculture.
- d.** Department of Community and Economic Development.
- e.** Department of Conservation and Natural Resources.
- f.** Department of Corrections.
- g.** Department of Education.
- h.** Department of Environmental Protection.
- i.** Department of General Services.
- j.** Department of Transportation.
- k.** Pennsylvania Infrastructure Investment Authority.

**7. Cooperation by State Agencies.** The Department of Agriculture shall be the lead agency for implementing this policy. All agencies under the Governor's jurisdiction shall fully support this agricultural land preservation policy and shall cooperate with the Secretary of Agriculture by providing assistance and information, as necessary, to carry out the function and responsibilities hereunder.

**8. Effective Date.** This order shall take effect immediately.

**9. Rescission.** *Executive Order 1997-6.*