

# SCHUYLKILL COUNTY AGRICULTURAL LAND PRESERVATION BOARD

c/o Schuylkill Conservation District  
1206 Ag Center Drive  
Pottsville, PA 17901  
Phone: (570) 622-3742 ext. 3325  
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## Schuylkill County Farmland Preservation FAQ's

- WHAT IS AN AGRICULTURAL CONSERVATION EASEMENT?
  - A conservation easement is a voluntary legal agreement between a landowner and a government agency or private land trust that permanently restricts the use of the land for conservation purposes. For agricultural conservation easements, that purpose is continued agricultural use.
  
- WHAT DOES AN AGRICULTURAL CONSERVATION EASEMENT DO?
  - Protects the land in perpetuity and contributes to a lasting legacy
  - Provides a means of estate planning or passing the land on to the next generation
  - May provide tax benefits to the landowner
  - Provides revenue to pay down debt, buy equipment, purchase additional land or reinvest in the farm
  
- WHAT DOES AN AGRICULTURAL CONSERVATION EASEMENT *NOT* DO?
  - Limit the ability of the landowner to transfer, sell, lease, or rent the property
  - Require the property to be open to the public
  
- WHAT IS AN AGRICULTURAL SECURITY AREAS (ASA)?
  - An Agricultural Security Area (ASA) entitles landowners and farmers to special consideration from local and state government agencies, thus encouraging the continuing use of the land for productive agricultural purposes. The local government unit may not impose ordinances that unreasonably restrict farm structures or practices within the ASA, nor may normal farming operations and practices be deemed nuisances in a nuisance ordinance. The key features of the Agricultural Security Area Law (Act 43) are: farmer protection from condemnation, protection from nuisance laws, and the ability to apply to the Schuylkill County Agricultural Conservation Easement (ACE) program. Agricultural Security Areas do not restrict land use or negatively impact landowners.
  
- HOW DO I ENROLL IN AN AGRICULTURAL SECURITY AREA (ASA)?
  - To view the [ASA enrollment procedure](#) and to download the ASA form, click [here](#).
  
- WHAT IF MY FARM DOES NOT QUALIFY FOR THE ACE PROGRAM, BUT I STILL WANT TO PRESERVE IT?
  - Landowners may contact the [Schuylkill Conservancy](#), [WeConservePA](#), [Berks Nature](#), or [Wildlands Conservancy](#)

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- **HOW DO I GET A CONSERVATION PLAN FOR MY FARM?**
  - There are several options for you to get a conservation plan. You can reach out directly to the NRCS staff in the Schuylkill County Office at (570) 391 – 3338; hire a private consultant; or write your own plan, which includes soil loss equations, and submit it to the Berks County Agricultural Land Preservation Board for acknowledgment.
  
- **IF MY APPLICATION TO THE FARMLAND PRESERVATION AGRICULTURAL CONSERVATION EASEMENT (ACE) PROGRAM IS NOT SELECTED, DO I NEED TO RE-APPLY THE NEXT YEAR?**
  - No. You do not need to re-apply to the ACE Program. You will be sent a letter with a re-enrollment form to return if you would like to keep your application active for the following year. You would need to contact the office to make changes to your application. Any changes would need to be made by the December 31st application deadline. Changes to your application would include if:
    - The farming operation has changed
    - More land has been acquired that you would like to include in your application
    - A portion of land was sold or you would like to exclude it from your application
    - A structure has been constructed on the property that is not used for agriculture
    - A conservation plan has been completed or updated
  
- **WHY DIDN'T MY FARM GET SELECTED?**
  - Farms are ranked according to the Land Evaluation Site Assessment (LESA), which is a tried and tested computer-based program that was developed by Penn State University. The LESA ranking process has four different categories that are used when ranking a farm: soils, farmland potential, development potential, and clustering potential. After each of these categories is ranked, the computer program generates a score for the farm. The farms with the highest scores are selected for easement purchase, thus easement selection is made without bias, discrimination, or political ties.
  
- **WHAT LOCATIONS DID YOU TARGET FOR SELECTION THIS YEAR?**
  - We do not target any specific areas during the selection process. Farms are selected based on the ranking system described above.
  
- **IS A FARM PRESERVED THROUGH THE ACE PROGRAM FOREVER?**
  - YES! An agricultural Conservation Easement is a perpetual easement, thus the farm is preserved forever. Though the ownership of the farm may change, the easement remains with the deed, and is recorded with the Schuylkill County Recorder of Deeds office.

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- **HOW MUCH DO I GET PAID FOR AN AGRICULTURAL CONSERVATION EASEMENT?**
  - Each county differs in the maximum price per acre that they are able to offer to the applicant/landowner(s). The Schuylkill County Agricultural Land Preservation Board has set a current maximum purchase price of \$2000 per acre.
  
- **WHAT DETERMINES THE VALUE OF AN AGRICULTURAL CONSERVATION EASEMENT?**
  - Each county's Agricultural Land Preservation Board selects an independent licensed real estate appraiser to determine the market value and the agricultural value of the land. The difference between the two values is the value of the perpetual conservation easement.
  
- **WHAT IS CLEAN AND GREEN?**
  - Act 319 Clean And Green of 1974 was established to preserve farmland, forest land, and open space by taxing land according to its use, rather than the prevailing market value. The program is administered by the Schuylkill County Assessment Office. The program is voluntary and generally requires that a minimum of 10 acres remain in the designated use (agricultural, agricultural reserve, or forest reserve). Land taken out of the permitted use becomes subject to a rollback tax of up to seven years, and an interest penalty. For more information, contact the Schuylkill County Assessment Office at 570-628-1025.
  
- **MUST MY FARM BE IN CLEAN AND GREEN TO APPLY TO THE FARMLAND PRESERVATION AGRICULTURAL CONSERVATION EASEMENT (ACE) PROGRAM?**
  - No your farm does not need to be enrolled in Clean and Green to apply to the ACE program. They are entirely separate programs.
  
- **HOW IS THE FARMLAND PRESERVATION AGRICULTURAL CONSERVATION EASEMENT (ACE) PROGRAM FUNDED?**
  - The Agricultural Conservation Easement (ACE) program is a jointly funded State and County Program. Funds from the County include funds from the general fund, penalties from Clean & Green rollback taxes, and any donations received. These funds are certified to the State and matched - generally with a 2 to 1 match. In the past, additional funds had been provided by a bond and line of credit by the County Commissioners, and federal funding through the Farm and Ranch lands Preservation Program (FRPP).

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- I DO NOT OWN A FARM. WHAT CAN I DO TO HELP?
  - There are several ways that you can support farmland preservation in Schuylkill County. You can donate funds to the ACE Program or another non-profit organization that preserves land. You can also spread the word to your neighbors and municipality about the benefits of farmland preservation. It also helps to continue to support local farms by purchasing their products. Visit the local food map to find farms selling local products in your area.
  
- I DO NOT OWN A FARM, BUT I AM INTERESTED IN PURCHASING ONE.
  - To find out more information about how to purchase a farm, visit [PA Farm Link](#).