

Pennsylvania

DEPARTMENT OF AGRICULTURE

July 29, 2020

VIA OVERNIGHT DELIVERY

Albert Heimbach
521 Mill Rd.
Selinsgrove, PA 17870

RE: Docket No: AG-AL-2020-1
PROPOSED CONDEMNATION OF LAND IN AN
AGRICULTURAL SECURITY AREA
Notice of Administrative Hearing
Prospective Condemnor: PennDOT
Project: Central Susquehanna Valley Transportation (CSVT) Project
Site: Monroe Township, Snyder County

Dear Mr. Heimbach:

The Pennsylvania Department of Transportation (PennDOT) has notified the Pennsylvania Department of Agriculture (PDA) that it intends to condemn certain land that is owned or leased by you, and that is within an agricultural security area established under authority of the Agricultural Area Security Law (Act) (3 P.S. § 901 *et seq.*) and is being used for productive agricultural purposes.

The land that is proposed for condemnation lies within Monroe Township, Snyder County. The proposed condemnation would be for highway purposes related to PennDOT's Central Susquehanna Valley Transportation (CSVT) Project.

Under Section 13(a) of the Act (3 P.S. § 913(a)), the approval of the Agricultural Lands Condemnation Approval Board (ALCAB) is required in order for the proposed condemnation to proceed. The applicable standard of review for the proposed condemnation is as set forth in § 13(d)(2)(i) of the Act (3 P.S. § 913(d)(2)(i)):

(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.* (Italics added).

You are hereby notified that ALCAB shall convene an administrative hearing on the subject condemnation approval request on **Wednesday, August 26, 2020 at 10:00 a.m.** Due to the current disaster emergency relating to the COVID-19 presence, and in accordance with Governor Tom Wolf's July 10, 2020 Order authorizing Commonwealth agencies to conduct administrative proceedings online

July 28, 2020

by video or telephonic means, this hearing will be conducted by online conference. A copy of Governor Wolf's Order is enclosed and incorporated into this notice.

Information as to how you may participate in the August 26, 2020 online hearing will be posted online at this website address:

www.csvt.com/ALCAB

Please note that the website *will be updated* as the August 26, 2020 hearing date approaches, and will provide more details as to how you may participate.

I have enclosed a copy of all information received to date with respect to the proposed condemnation. This consists of: (1) PennDOT's July 24, 2020 Application for ALCAB Hearing; and (2) a Farmlands Assessment Report that was provided by PennDOT, describing the project in detail.

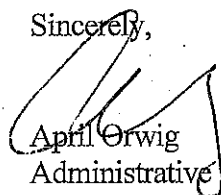
You have the right to participate as a party at the referenced administrative hearing. This includes the right to cross-examine witnesses, present evidence and otherwise present your case. The proceeding is an administrative hearing, and will be conducted as a formal proceeding. You are encouraged to consult with your legal counsel if you have legal questions regarding this.

I am the contact person if you have questions about the upcoming ALCAB hearing. Please keep in mind that the website identified above will have the most current information on the hearing and how you may participate. Although it is not required:

- *If you intended to participate in the administrative hearing* it would be appreciated if you or your legal counsel would contact me so that I may facilitate your participation; and
- *If you do not object to the proposed condemnation of the land you own or lease, or you do not intend to participate in the administrative hearing*, it would be appreciated if you or your legal counsel would contact me to advise me of that.

If you have any questions, concerns, or need additional information, please do not hesitate to contact me at (717) 783-8460. Thank you for your consideration in this matter.

Sincerely,


April Orwig
Administrative Officer II

Enclosures: (3)

1. Governor Wolf's July 10, 2020 Order authorizing Online Hearings
2. PennDOT's July 24, 2020 Application for ALCAB Hearing
3. Farmland Assessment Report



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR

**ORDER OF
THE GOVERNOR OF THE COMMONWEALTH OF PENNSYLVANIA
AUTHORIZING COMMONWEALTH AGENCIES TO
CONDUCT ADMINISTRATIVE PROCEEDINGS
ONLINE BY VIDEO OR TELEPHONIC MEANS**

WHEREAS, the World Health Organization and the Centers for Disease Control and Prevention ("CDC") have declared a novel coronavirus ("COVID-19") a "public health emergency of international concern," and the U.S. Department of Health and Human Services ("HHS") Secretary has declared that COVID-19 creates a public health emergency; and

WHEREAS, as of March 6, 2020, I proclaimed the existence of a disaster emergency throughout the Commonwealth pursuant to 35 Pa. C.S. § 7301(c); and

WHEREAS, on June 3, 2020, I renewed the proclamation of disaster emergency because of the ongoing threat of COVID-19 to individuals within the Commonwealth of Pennsylvania; and

WHEREAS, COVID-19 is a contagious disease that is rapidly spreading from person to person. People infected are capable of exposing others to COVID-19 even if their symptoms are mild, such as a cough, or even if they are asymptomatic. Additionally, exposure is possible by touching a surface or object that has the virus on it and then touching one's mouth, nose, or eyes; and

WHEREAS, limiting unnecessary physical and in-person interactions is essential to mitigating the spread of virus; and

WHEREAS, as regions of the state reopen, and as Commonwealth Agencies resume the full range of administrative proceedings, they must strive to minimize occasions for the transmission of COVID-19 by utilizing remote or virtual methods of conducting administrative proceedings where possible, and by following the Centers for Disease Control and Prevention (CDC) and Department of Health guidelines and other orders or guidance that may be required when in-person proceedings are necessary; and

WHEREAS, I am charged with the responsibility to address dangers facing the Commonwealth of Pennsylvania and its residents that result from disasters. 35 Pa. C.S. § 7301(a); and

WHEREAS, in executing the extraordinary powers outlined above, I am further authorized during a disaster emergency to issue, amend and rescind executive orders, proclamations and regulations and those directives shall have the force and effect of law. 35 Pa. C.S. § 7301(b); and

WHEREAS, as of July 10, 2020, the Commonwealth of Pennsylvania has 93,876 persons who have tested positive or meet the requirements as probable cases for COVID-19 in all sixty-seven counties and reports 6,880 deaths from the virus.

NOW THEREFORE, pursuant to the authority vested in me and my Administration by the laws of the Commonwealth of Pennsylvania, I do hereby ORDER and PROCLAIM as follows:

- 1. Any Commonwealth Agency, as defined by 2 Pa. C.S. § 101, is authorized to:*

- a. *Limit in-person access to administrative proceedings in order to safeguard the health and safety of agency personnel and members of the public; and*
 - b. *Utilize video, telephonic, or other online conferencing equipment or services to conduct administrative hearings without consent of the parties, at the discretion of the presiding officer/hearing examiner.*
2. *Any regulatory statute, order, rule or regulation of any Commonwealth agency, as defined by 2 Pa. C.S. § 101, that prevents any agency from holding administrative proceedings via video, telephonic, or other online conferencing means is hereby suspended.*
3. *All Commonwealth agencies under the Governor's jurisdiction shall establish procedures for conducting in-person, video and telephonic administrative hearings, and communicate such procedures to participants by publishing the same on each agency webpage and including a copy of such procedures with each hearing notice.*
4. *Implementation. All Commonwealth agencies under the Governor's jurisdiction are directed to take all steps necessary to implement this Executive Order. Independent Commonwealth agencies are also strongly encouraged to implement this Executive Order.*
5. *General Provisions. This Executive Order shall be implemented consistent with applicable law. This Executive Order is not intended to, and does not create, any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the Commonwealth of Pennsylvania, its departments, agencies, or entities, its officers, employees, or agents, or any other person.*
6. *Effective Date. This Executive Order shall take effect immediately and shall expire when the Governor terminates the disaster emergency proclaimed on March 6, 2020 pursuant to 35 Pa. C.S. § 7301(c) or the declaration emergency proclaimed March 6, 2020 expires by law pursuant to 35 Pa. C.S. § 7301(c).*



GIVEN under my hand and the Seal of the Governor, at the city of Harrisburg, on this tenth day of July two thousand twenty, the year of the commonwealth the two hundred and forty-fifth.

Tom Wolf
TOM WOLF
Governor



pennsylvania
DEPARTMENT OF AGRICULTURE

July 29, 2020

VIA OVERNIGHT DELIVERY

**Hummel Bros. Farm, LP
653 Stetler Ave.
Selinsgrove, PA 17870**

**RE: Docket No: AG-AL-2020-1
PROPOSED CONDEMNATION OF LAND IN AN
AGRICULTURAL SECURITY AREA
Notice of Administrative Hearing
Prospective Condemnor: PennDOT
Project: Central Susquehanna Valley Transportation (CSVT) Project
Site: Monroe Township, Snyder County**

Dear Hummel Bros. Farm, LP:

The Pennsylvania Department of Transportation (PennDOT) has notified the Pennsylvania Department of Agriculture (PDA) that it intends to condemn certain land that is owned or leased by you, and that is within an agricultural security area established under authority of the Agricultural Area Security Law (Act) (3 P.S. § 901 *et seq.*) and is being used for productive agricultural purposes.

The land that is proposed for condemnation lies within Monroe Township, Snyder County. The proposed condemnation would be for highway purposes related to PennDOT's Central Susquehanna Valley Transportation (CSVT) Project.

Under Section 13(a) of the Act (3 P.S. § 913(a)), the approval of the Agricultural Lands Condemnation Approval Board (ALCAB) is required in order for the proposed condemnation to proceed. The applicable standard of review for the proposed condemnation is as set forth in § 13(d)(2)(i) of the Act (3 P.S. § 913(d)(2)(i)):

(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.* (Italics added).

You are hereby notified that ALCAB shall convene an administrative hearing on the subject condemnation approval request on **Wednesday, August 26, 2020 at 10:00 a.m.** Due to the current disaster emergency relating to the COVID-19 presence, and in accordance with Governor Tom Wolf's

July 28, 2020

July 10, 2020 Order authorizing Commonwealth agencies to conduct administrative proceedings online by video or telephonic means, **this hearing will be conducted by online conference**. A copy of Governor Wolf's Order is enclosed and incorporated into this notice.

Information as to how you may participate in the August 26, 2020 online hearing will be posted online at this website address:

www.csvt.com/ALCAB

Please note that the website *will be updated* as the August 26, 2020 hearing date approaches, and will provide more details as to how you may participate.

I have enclosed a copy of all information received to date with respect to the proposed condemnation. This consists of: (1) PennDOT's July 24, 2020 Application for ALCAB Hearing; and (2) a Farmlands Assessment Report that was provided by PennDOT, describing the project in detail.

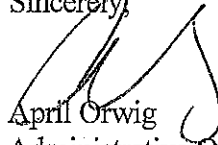
You have the right to participate as a party at the referenced administrative hearing. This includes the right to cross-examine witnesses, present evidence and otherwise present your case. The proceeding is an administrative hearing, and will be conducted as a formal proceeding. You are encouraged to consult with your legal counsel if you have legal questions regarding this.

I am the contact person if you have questions about the upcoming ALCAB hearing. Please keep in mind that the website identified above will have the most current information on the hearing and how you may participate. Although it is not required:

- *If you intended to participate in the administrative hearing* it would be appreciated if you or your legal counsel would contact me so that I may facilitate your participation; and
- *If you do not object to the proposed condemnation of the land you own or lease, or you do not intend to participate in the administrative hearing*, it would be appreciated if you or your legal counsel would contact me to advise me of that.

If you have any questions, concerns, or need additional information, please do not hesitate to contact me at (717) 783-8460. Thank you for your consideration in this matter.

Sincerely,



April Orwig
Administrative Officer II

Enclosures: (3)

1. Governor Wolf's July 10, 2020 Order authorizing Online Hearings
2. PennDOT's July 24, 2020 Application for ALCAB Hearing
3. Farmland Assessment Report



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR

**ORDER OF
THE GOVERNOR OF THE COMMONWEALTH OF PENNSYLVANIA
AUTHORIZING COMMONWEALTH AGENCIES TO
CONDUCT ADMINISTRATIVE PROCEEDINGS
ONLINE BY VIDEO OR TELEPHONIC MEANS**

WHEREAS, the World Health Organization and the Centers for Disease Control and Prevention ("CDC") have declared a novel coronavirus ("COVID-19") a "public health emergency of international concern," and the U.S. Department of Health and Human Services ("HHS") Secretary has declared that COVID-19 creates a public health emergency; and

WHEREAS, as of March 6, 2020, I proclaimed the existence of a disaster emergency throughout the Commonwealth pursuant to 35 Pa. C.S. § 7301(c); and

WHEREAS, on June 3, 2020, I renewed the proclamation of disaster emergency because of the ongoing threat of COVID-19 to individuals within the Commonwealth of Pennsylvania; and

WHEREAS, COVID-19 is a contagious disease that is rapidly spreading from person to person. People infected are capable of exposing others to COVID-19 even if their symptoms are mild, such as a cough, or even if they are asymptomatic. Additionally, exposure is possible by touching a surface or object that has the virus on it and then touching one's mouth, nose, or eyes; and

WHEREAS, limiting unnecessary physical and in-person interactions is essential to mitigating the spread of virus; and

WHEREAS, as regions of the state reopen, and as Commonwealth Agencies resume the full range of administrative proceedings, they must strive to minimize occasions for the transmission of COVID-19 by utilizing remote or virtual methods of conducting administrative proceedings where possible, and by following the Centers for Disease Control and Prevention (CDC) and Department of Health guidelines and other orders or guidance that may be required when in-person proceedings are necessary; and

WHEREAS, I am charged with the responsibility to address dangers facing the Commonwealth of Pennsylvania and its residents that result from disasters. 35 Pa. C.S. § 7301(a); and

WHEREAS, in executing the extraordinary powers outlined above, I am further authorized during a disaster emergency to issue, amend and rescind executive orders, proclamations and regulations and those directives shall have the force and effect of law. 35 Pa. C.S. § 7301(b); and

WHEREAS, as of July 10, 2020, the Commonwealth of Pennsylvania has 93,876 persons who have tested positive or meet the requirements as probable cases for COVID-19 in all sixty-seven counties and reports 6,880 deaths from the virus.

NOW THEREFORE, pursuant to the authority vested in me and my Administration by the laws of the Commonwealth of Pennsylvania, I do hereby ORDER and PROCLAIM as follows:

- 1. Any Commonwealth Agency, as defined by 2 Pa. C.S. § 101, is authorized to:*

- a. *Limit in-person access to administrative proceedings in order to safeguard the health and safety of agency personnel and members of the public; and*
 - b. *Utilize video, telephonic, or other online conferencing equipment or services to conduct administrative hearings without consent of the parties, at the discretion of the presiding officer/hearing examiner.*
2. *Any regulatory statute, order, rule or regulation of any Commonwealth agency, as defined by 2 Pa. C.S. § 101, that prevents any agency from holding administrative proceedings via video, telephonic, or other online conferencing means is hereby suspended.*
3. *All Commonwealth agencies under the Governor's jurisdiction shall establish procedures for conducting in-person, video and telephonic administrative hearings, and communicate such procedures to participants by publishing the same on each agency webpage and including a copy of such procedures with each hearing notice.*
4. *Implementation. All Commonwealth agencies under the Governor's jurisdiction are directed to take all steps necessary to implement this Executive Order. Independent Commonwealth agencies are also strongly encouraged to implement this Executive Order.*
5. *General Provisions. This Executive Order shall be implemented consistent with applicable law. This Executive Order is not intended to, and does not create, any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the Commonwealth of Pennsylvania, its departments, agencies, or entities, its officers, employees, or agents, or any other person.*
6. *Effective Date. This Executive Order shall take effect immediately and shall expire when the Governor terminates the disaster emergency proclaimed on March 6, 2020 pursuant to 35 Pa. C.S. § 7301(c) or the declaration emergency proclaimed March 6, 2020 expires by law pursuant to 35 Pa. C.S. § 7301(c).*



GIVEN under my hand and the Seal of the Governor, at the city of Harrisburg, on this tenth day of July two thousand twenty, the year of the commonwealth the two hundred and forty-fifth.

Tom Wolf
TOM WOLF
Governor



July 24, 2020

The Honorable Russell C. Redding
Secretary of the Department of Agriculture
2301 North Cameron Street
Harrisburg, PA 17110-9408

Re: Application for ALCAB Hearing

Dear Secretary Redding:

Please accept this as notice and application from the Department of Transportation to convene—consistent with the Governor's Executive Order dated July 10, 2020 regarding the conduct of Administrative proceedings pursuant to COVID-19 protocol—the Agricultural Lands Condemnation Approval Board (ALCAB) for the Central Susquehanna Valley Transportation (CSVT) highway project, Southern Section, S.R. 0015, Section 088, Monroe Township and Shamokin Dam Borough, Snyder County, Pennsylvania. This request is in accordance with the provisions of Act 100, the Administrative Code of 1929, as amended, and Act 43, the Administrative Code of 1981, as amended. Five (5) copies of the Farmland Assessment Report (FAR) and one electronic media device of the same will be provided in a separate transmittal for the Department of Agriculture's use. Additional copies will also be provided for the Department of Agriculture to transmit to the ALCAB (one for each member and one for the hearing examiner) and to each landowner and farm operator impacted by the project. The names and addresses of the owners/operators are enclosed for your use in notifying them of the hearing and distribution of the FAR.

We respectfully request the approval of ALCAB to convert by exercise of the power of condemnation, if necessary, productive agricultural lands to the transportation use for the project as proposed by the Department. Kindly advise Ryan R. Vankirk, P.E. at 717.705.1338 or by email at rvankirk@pa.gov of the time, date, and location of the ALCAB hearing so that we may attend and provide testimony in support of our application for approval.

Sincerely,

A handwritten signature in black ink, appearing to read "Yassmin Gramian".

Yassmin Gramian, P.E.
Secretary of Transportation

Secretary Russell C. Redding
Application for ALCAB Hearing
Page 2
July 24, 2020

Enclosure

cc: John H. Howard Esquire, Department of Agriculture, Office of Chief Counsel
Dwight J. Smith Esquire, Department of Agriculture, Office of Chief Counsel
Douglas M. Wolfgang, Department of Agriculture, Bureau of Farmland
Preservation
Christopher J. Clements, Sr. Counsel-in-Charge, Right-of-Way



pennsylvania
DEPARTMENT OF AGRICULTURE

July 20, 2020

VIA OVERNIGHT DELIVERY

**Morningstar Village, LLC
P.O. Box G
Hummels Wharf, PA 17831**

**RE: Docket No: AG-AL-2020-1
PROPOSED CONDEMNATION OF LAND IN AN
AGRICULTURAL SECURITY AREA
Notice of Administrative Hearing
Prospective Condemnor: PennDOT
Project: Central Susquehanna Valley Transportation (CSVT) Project
Site: Monroe Township, Snyder County**

Dear Morningstar Village, LLC:

The Pennsylvania Department of Transportation (PennDOT) has notified the Pennsylvania Department of Agriculture (PDA) that it intends to condemn certain land that is owned or leased by you, and that is within an agricultural security area established under authority of the Agricultural Area Security Law (Act) (3 P.S. § 901 *et seq.*) and is being used for productive agricultural purposes.

The land that is proposed for condemnation lies within Monroe Township, Snyder County. The proposed condemnation would be for highway purposes related to PennDOT's Central Susquehanna Valley Transportation (CSVT) Project.

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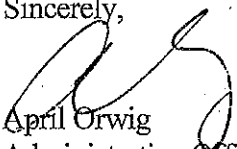
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Administrative Officer II

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COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR

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THE GOVERNOR OF THE COMMONWEALTH OF PENNSYLVANIA
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Tom Wolf
TOM WOLF
Governor



July 24, 2020

The Honorable Russell C. Redding
Secretary of the Department of Agriculture
2301 North Cameron Street
Harrisburg, PA 17110-9408

Re: Application for ALCAB Hearing

Dear Secretary Redding:

Please accept this as notice and application from the Department of Transportation to convene—consistent with the Governor's Executive Order dated July 10, 2020 regarding the conduct of Administrative proceedings pursuant to COVID-19 protocol—the Agricultural Lands Condemnation Approval Board (ALCAB) for the Central Susquehanna Valley Transportation (CSVT) highway project, Southern Section, S.R. 0015, Section 088, Monroe Township and Shamokin Dam Borough, Snyder County, Pennsylvania. This request is in accordance with the provisions of Act 100, the Administrative Code of 1929, as amended, and Act 43, the Administrative Code of 1981, as amended. Five (5) copies of the Farmland Assessment Report (FAR) and one electronic media device of the same will be provided in a separate transmittal for the Department of Agriculture's use. Additional copies will also be provided for the Department of Agriculture to transmit to the ALCAB (one for each member and one for the hearing examiner) and to each landowner and farm operator impacted by the project. The names and addresses of the owners/operators are enclosed for your use in notifying them of the hearing and distribution of the FAR.

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Sincerely,

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Yassmin Gramian, P.E.
Secretary of Transportation

Secretary Russell C. Redding
Application for ALCAB Hearing
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Enclosure

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Dwight J. Smith Esquire, Department of Agriculture, Office of Chief Counsel
Douglas M. Wolfgang, Department of Agriculture, Bureau of Farmland
Preservation
Christopher J. Clements, Sr. Counsel-in-Charge, Right-of-Way



pennsylvania
DEPARTMENT OF AGRICULTURE

July 29, 2020

VIA OVERNIGHT DELIVERY

Sandra J. Shaffer
Property Owner for Godek Farm
3103 Park Rd.
Selinsgrove, PA 17870

RE: Docket No: AG-AL-2020-1
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Site: Monroe Township, Snyder County

Dear Ms. Shaffer:

The Pennsylvania Department of Transportation (PennDOT) has notified the Pennsylvania Department of Agriculture (PDA) that it intends to condemn certain land that is owned or leased by you, and that is within an agricultural security area established under authority of the Agricultural Area Security Law (Act) (3 P.S. § 901 *et seq.*) and is being used for productive agricultural purposes.

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Under Section 13(a) of the Act (3 P.S. § 913(a)), the approval of the Agricultural Lands Condemnation Approval Board (ALCAB) is required in order for the proposed condemnation to proceed. The applicable standard of review for the proposed condemnation is as set forth in § 13(d)(2)(i) of the Act (3 P.S. § 913(d)(2)(i)):

(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.* (Italics added).

You are hereby notified that ALCAB shall convene an administrative hearing on the subject condemnation approval request on **Wednesday, August 26, 2020 at 10:00 a.m.** Due to the current disaster emergency relating to the COVID-19 presence, and in accordance with Governor Tom Wolf's

July 28, 2020

July 10, 2020 Order authorizing Commonwealth agencies to conduct administrative proceedings online by video or telephonic means, this hearing will be conducted by online conference. A copy of Governor Wolf's Order is enclosed and incorporated into this notice.

Information as to how you may participate in the August 26, 2020 online hearing will be posted online at this website address:

www.csvt.com/ALCAB

Please note that the website *will be updated* as the August 26, 2020 hearing date approaches, and will provide more details as to how you may participate.

I have enclosed a copy of all information received to date with respect to the proposed condemnation. This consists of: (1) PennDOT's July 24, 2020 Application for ALCAB Hearing; and (2) a Farmlands Assessment Report that was provided by PennDOT, describing the project in detail.

You have the right to participate as a party at the referenced administrative hearing. This includes the right to cross-examine witnesses, present evidence and otherwise present your case. The proceeding is an administrative hearing, and will be conducted as a formal proceeding. You are encouraged to consult with your legal counsel if you have legal questions regarding this.

I am the contact person if you have questions about the upcoming ALCAB hearing. Please keep in mind that the website identified above will have the most current information on the hearing and how you may participate. Although it is not required:

- *If you intended to participate in the administrative hearing* it would be appreciated if you or your legal counsel would contact me so that I may facilitate your participation; and
- *If you do not object to the proposed condemnation of the land you own or lease, or you do not intend to participate in the administrative hearing*, it would be appreciated if you or your legal counsel would contact me to advise me of that.

If you have any questions, concerns, or need additional information, please do not hesitate to contact me at (717) 783-8460. Thank you for your consideration in this matter.

Sincerely,



April Orwig
Administrative Officer II

Enclosures: (3)

1. Governor Wolf's July 10, 2020 Order authorizing Online Hearings
2. PennDOT's July 24, 2020 Application for ALCAB Hearing
3. Farmland Assessment Report



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR

**ORDER OF
THE GOVERNOR OF THE COMMONWEALTH OF PENNSYLVANIA
AUTHORIZING COMMONWEALTH AGENCIES TO
CONDUCT ADMINISTRATIVE PROCEEDINGS
ONLINE BY VIDEO OR TELEPHONIC MEANS**

WHEREAS, the World Health Organization and the Centers for Disease Control and Prevention ("CDC") have declared a novel coronavirus ("COVID-19") a "public health emergency of international concern," and the U.S. Department of Health and Human Services ("HHS") Secretary has declared that COVID-19 creates a public health emergency; and

WHEREAS, as of March 6, 2020, I proclaimed the existence of a disaster emergency throughout the Commonwealth pursuant to 35 Pa. C.S. § 7301(c); and

WHEREAS, on June 3, 2020, I renewed the proclamation of disaster emergency because of the ongoing threat of COVID-19 to individuals within the Commonwealth of Pennsylvania; and

WHEREAS, COVID-19 is a contagious disease that is rapidly spreading from person to person. People infected are capable of exposing others to COVID-19 even if their symptoms are mild, such as a cough, or even if they are asymptomatic. Additionally, exposure is possible by touching a surface or object that has the virus on it and then touching one's mouth, nose, or eyes; and

WHEREAS, limiting unnecessary physical and in-person interactions is essential to mitigating the spread of virus; and

WHEREAS, as regions of the state reopen, and as Commonwealth Agencies resume the full range of administrative proceedings, they must strive to minimize occasions for the transmission of COVID-19 by utilizing remote or virtual methods of conducting administrative proceedings where possible, and by following the Centers for Disease Control and Prevention (CDC) and Department of Health guidelines and other orders or guidance that may be required when in-person proceedings are necessary; and

WHEREAS, I am charged with the responsibility to address dangers facing the Commonwealth of Pennsylvania and its residents that result from disasters. 35 Pa. C.S. § 7301(a); and

WHEREAS, in executing the extraordinary powers outlined above, I am further authorized during a disaster emergency to issue, amend and rescind executive orders, proclamations and regulations and those directives shall have the force and effect of law. 35 Pa. C.S. § 7301(b); and

WHEREAS, as of July 10, 2020, the Commonwealth of Pennsylvania has 93,876 persons who have tested positive or meet the requirements as probable cases for COVID-19 in all sixty-seven counties and reports 6,880 deaths from the virus.

NOW THEREFORE, pursuant to the authority vested in me and my Administration by the laws of the Commonwealth of Pennsylvania, I do hereby ORDER and PROCLAIM as follows:

- 1. Any Commonwealth Agency, as defined by 2 Pa. C.S. § 101, is authorized to:*

- a. *Limit in-person access to administrative proceedings in order to safeguard the health and safety of agency personnel and members of the public; and*
- b. *Utilize video, telephonic, or other online conferencing equipment or services to conduct administrative hearings without consent of the parties, at the discretion of the presiding officer/hearing examiner.*
2. *Any regulatory statute, order, rule or regulation of any Commonwealth agency, as defined by 2 Pa. C.S. § 101, that prevents any agency from holding administrative proceedings via video, telephonic, or other online conferencing means is hereby suspended.*
3. *All Commonwealth agencies under the Governor's jurisdiction shall establish procedures for conducting in-person, video and telephonic administrative hearings, and communicate such procedures to participants by publishing the same on each agency webpage and including a copy of such procedures with each hearing notice.*
4. *Implementation. All Commonwealth agencies under the Governor's jurisdiction are directed to take all steps necessary to implement this Executive Order. Independent Commonwealth agencies are also strongly encouraged to implement this Executive Order.*
5. *General Provisions. This Executive Order shall be implemented consistent with applicable law. This Executive Order is not intended to, and does not create, any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the Commonwealth of Pennsylvania, its departments, agencies, or entities, its officers, employees, or agents, or any other person.*
6. *Effective Date. This Executive Order shall take effect immediately and shall expire when the Governor terminates the disaster emergency proclaimed on March 6, 2020 pursuant to 35 Pa. C.S. § 7301(c) or the declaration emergency proclaimed March 6, 2020 expires by law pursuant to 35 Pa. C.S. § 7301(c).*



GIVEN under my hand and the Seal of the Governor, at the city of Harrisburg, on this tenth day of July two thousand twenty, the year of the commonwealth the two hundred and forty-fifth.

Tom Wolf
TOM WOLF
Governor



July 24, 2020

The Honorable Russell C. Redding
Secretary of the Department of Agriculture
2301 North Cameron Street
Harrisburg, PA 17110-9408

Re: Application for ALCAB Hearing

Dear Secretary Redding:

Please accept this as notice and application from the Department of Transportation to convene—consistent with the Governor's Executive Order dated July 10, 2020 regarding the conduct of Administrative proceedings pursuant to COVID-19 protocol—the Agricultural Lands Condemnation Approval Board (ALCAB) for the Central Susquehanna Valley Transportation (CSVTV) highway project, Southern Section, S.R. 0015, Section 088, Monroe Township and Shamokin Dam Borough, Snyder County, Pennsylvania. This request is in accordance with the provisions of Act 100, the Administrative Code of 1929, as amended, and Act 43, the Administrative Code of 1981, as amended. Five (5) copies of the Farmland Assessment Report (FAR) and one electronic media device of the same will be provided in a separate transmittal for the Department of Agriculture's use. Additional copies will also be provided for the Department of Agriculture to transmit to the ALCAB (one for each member and one for the hearing examiner) and to each landowner and farm operator impacted by the project. The names and addresses of the owners/operators are enclosed for your use in notifying them of the hearing and distribution of the FAR.

We respectfully request the approval of ALCAB to convert by exercise of the power of condemnation, if necessary, productive agricultural lands to the transportation use for the project as proposed by the Department. Kindly advise Ryan R. Vankirk, P.E. at 717.705.1338 or by email at rvankirk@pa.gov of the time, date, and location of the ALCAB hearing so that we may attend and provide testimony in support of our application for approval.

Sincerely,

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Yassmin Gramian, P.E.
Secretary of Transportation

Secretary Russell C. Redding
Application for ALCAB Hearing
Page 2
July 24, 2020

Enclosure

cc: John H. Howard Esquire, Department of Agriculture, Office of Chief Counsel
Dwight J. Smith Esquire, Department of Agriculture, Office of Chief Counsel
Douglas M. Wolfgang, Department of Agriculture, Bureau of Farmland
Preservation
Christopher J. Clements, Sr. Counsel-in-Charge, Right-of-Way



July 29, 2020

VIA OVERNIGHT DELIVERY

**Kenneth E. Ferry
1425 Sunbury Rd.
Selinsgrove, PA 17870**

**RE: Docket No: AG-AL-2020-1
PROPOSED CONDEMNATION OF LAND IN AN
AGRICULTURAL SECURITY AREA
Notice of Administrative Hearing
Prospective Condemnor: PennDOT
Project: Central Susquehanna Valley Transportation (CSVT) Project
Site: Monroe Township, Snyder County**

Dear Mr. Ferry:

The Pennsylvania Department of Transportation (PennDOT) has notified the Pennsylvania Department of Agriculture (PDA) that it intends to condemn certain land that is owned or leased by you, and that is within an agricultural security area established under authority of the Agricultural Area Security Law (Act) (3 P.S. § 901 *et seq.*) and is being used for productive agricultural purposes.

The land that is proposed for condemnation lies within Monroe Township, Snyder County. The proposed condemnation would be for highway purposes related to PennDOT's Central Susquehanna Valley Transportation (CSVT) Project.

Under Section 13(a) of the Act (3 P.S. § 913(a)), the approval of the Agricultural Lands Condemnation Approval Board (ALCAB) is required in order for the proposed condemnation to proceed. The applicable standard of review for the proposed condemnation is as set forth in § 13(d)(2)(i) of the Act (3 P.S. § 913(d)(2)(i)):

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You are hereby notified that ALCAB shall convene an administrative hearing on the subject condemnation approval request on **Wednesday, August 26, 2020 at 10:00 a.m.** Due to the current disaster emergency relating to the COVID-19 presence, and in accordance with Governor Tom Wolf's July 10, 2020 Order authorizing Commonwealth agencies to conduct administrative proceedings online

July 28, 2020

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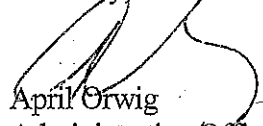
You have the right to participate as a party at the referenced administrative hearing. This includes the right to cross-examine witnesses, present evidence and otherwise present your case. The proceeding is an administrative hearing, and will be conducted as a formal proceeding. You are encouraged to consult with your legal counsel if you have legal questions regarding this.

I am the contact person if you have questions about the upcoming ALCAB hearing. Please keep in mind that the website identified above will have the most current information on the hearing and how you may participate. Although it is not required:

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- *If you do not object to the proposed condemnation of the land you own or lease, or you do not intend to participate in the administrative hearing*, it would be appreciated if you or your legal counsel would contact me to advise me of that.

If you have any questions, concerns, or need additional information, please do not hesitate to contact me at (717) 783-8460. Thank you for your consideration in this matter.

Sincerely,


April Orwig
Administrative Officer II

Enclosures: (3)

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COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR

**ORDER OF
THE GOVERNOR OF THE COMMONWEALTH OF PENNSYLVANIA
AUTHORIZING COMMONWEALTH AGENCIES TO
CONDUCT ADMINISTRATIVE PROCEEDINGS
ONLINE BY VIDEO OR TELEPHONIC MEANS**

WHEREAS, the World Health Organization and the Centers for Disease Control and Prevention ("CDC") have declared a novel coronavirus ("COVID-19") a "public health emergency of international concern," and the U.S. Department of Health and Human Services ("HHS") Secretary has declared that COVID-19 creates a public health emergency; and

WHEREAS, as of March 6, 2020, I proclaimed the existence of a disaster emergency throughout the Commonwealth pursuant to 35 Pa. C.S. § 7301(c); and

WHEREAS, on June 3, 2020, I renewed the proclamation of disaster emergency because of the ongoing threat of COVID-19 to individuals within the Commonwealth of Pennsylvania; and

WHEREAS, COVID-19 is a contagious disease that is rapidly spreading from person to person. People infected are capable of exposing others to COVID-19 even if their symptoms are mild, such as a cough, or even if they are asymptomatic. Additionally, exposure is possible by touching a surface or object that has the virus on it and then touching one's mouth, nose, or eyes; and

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GIVEN under my hand and the Seal of the Governor, at the city of Harrisburg, on this tenth day of July two thousand twenty, the year of the commonwealth the two hundred and forty-fifth.

Tom Wolf
TOM WOLF
Governor



July 24, 2020

The Honorable Russell C. Redding
Secretary of the Department of Agriculture
2301 North Cameron Street
Harrisburg, PA 17110-9408

Re: Application for ALCAB Hearing

Dear Secretary Redding:

Please accept this as notice and application from the Department of Transportation to convene—consistent with the Governor's Executive Order dated July 10, 2020 regarding the conduct of Administrative proceedings pursuant to COVID-19 protocol—the Agricultural Lands Condemnation Approval Board (ALCAB) for the Central Susquehanna Valley Transportation (CSVt) highway project, Southern Section, S.R. 0015, Section 088, Monroe Township and Shamokin Dam Borough, Snyder County, Pennsylvania. This request is in accordance with the provisions of Act 100, the Administrative Code of 1929, as amended, and Act 43, the Administrative Code of 1981, as amended. Five (5) copies of the Farmland Assessment Report (FAR) and one electronic media device of the same will be provided in a separate transmittal for the Department of Agriculture's use. Additional copies will also be provided for the Department of Agriculture to transmit to the ALCAB (one for each member and one for the hearing examiner) and to each landowner and farm operator impacted by the project. The names and addresses of the owners/operators are enclosed for your use in notifying them of the hearing and distribution of the FAR.

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Yassmin Gramian, P.E.
Secretary of Transportation

Secretary Russell C. Redding
Application for ALCAB Hearing
Page 2
July 24, 2020

Enclosure

cc: John H. Howard Esquire, Department of Agriculture, Office of Chief Counsel
Dwight J. Smith Esquire, Department of Agriculture, Office of Chief Counsel
Douglas M. Wolfgang, Department of Agriculture, Bureau of Farmland
Preservation
Christopher J. Clements, Sr. Counsel-in-Charge, Right-of-Way



July 29, 2020

VIA OVERNIGHT DELIVERY

Levere Stump
183 Shaffer Lane
Selinsgrove, PA 17870

**RE: Docket No: AG-AL-2020-1
PROPOSED CONDEMNATION OF LAND IN AN
AGRICULTURAL SECURITY AREA
Notice of Administrative Hearing
Prospective Condemnor: PennDOT
Project: Central Susquehanna Valley Transportation (CSV) Project
Site: Monroe Township, Snyder County**

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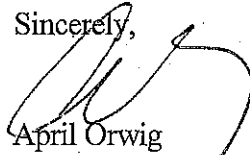
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COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR

**ORDER OF
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Governor



July 24, 2020

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Yassmin Gramian, P.E.
Secretary of Transportation

Secretary Russell C. Redding
Application for ALCAB Hearing
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July 24, 2020

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Dwight J. Smith Esquire, Department of Agriculture, Office of Chief Counsel
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Preservation
Christopher J. Clements, Sr. Counsel-in-Charge, Right-of-Way



pennsylvania
DEPARTMENT OF AGRICULTURE

July 29, 2020

VIA OVERNIGHT DELIVERY

**PPL Generation, LLC
C/O Talen Energy Supply, LLC
600 Hamilton St. Suite 600
Allentown, PA 18101**

**RE: Docket No: AG-AL-2020-1
PROPOSED CONDEMNATION OF LAND IN AN
AGRICULTURAL SECURITY AREA
Notice of Administrative Hearing
Prospective Condemnor: PennDOT
Project: Central Susquehanna Valley Transportation (CSV) Project
Site: Monroe Township, Snyder County**

Dear PPL Generation, LLC c/o Talen Energy Supply, LLC:

The Pennsylvania Department of Transportation (PennDOT) has notified the Pennsylvania Department of Agriculture (PDA) that it intends to condemn certain land that is owned or leased by you, and that is within an agricultural security area established under authority of the Agricultural Area Security Law (Act) (3 P.S. § 901 *et seq.*) and is being used for productive agricultural purposes.

The land that is proposed for condemnation lies within Monroe Township, Snyder County. The proposed condemnation would be for highway purposes related to PennDOT's Central Susquehanna Valley Transportation (CSV) Project.

Under Section 13(a) of the Act (3 P.S. § 913(a)), the approval of the Agricultural Lands Condemnation Approval Board (ALCAB) is required in order for the proposed condemnation to proceed. The applicable standard of review for the proposed condemnation is as set forth in § 13(d)(2)(i) of the Act (3 P.S. § 913(d)(2)(i)):

(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. (Italics added).*

You are hereby notified that ALCAB shall convene an administrative hearing on the subject condemnation approval request on **Wednesday, August 26, 2020 at 10:00 a.m.** Due to the current

July 28, 2020

disaster emergency relating to the COVID-19 presence, and in accordance with Governor Tom Wolf's July 10, 2020 Order authorizing Commonwealth agencies to conduct administrative proceedings online by video or telephonic means, **this hearing will be conducted by online conference**. A copy of Governor Wolf's Order is enclosed and incorporated into this notice.

Information as to how you may participate in the August 26, 2020 online hearing will be posted online at this website address:

www.csvt.com/ALCAB

Please note that the website *will be updated* as the August 26, 2020 hearing date approaches, and will provide more details as to how you may participate.

I have enclosed a copy of all information received to date with respect to the proposed condemnation. This consists of: (1) PennDOT's July 24, 2020 Application for ALCAB Hearing; and (2) a Farmlands Assessment Report that was provided by PennDOT, describing the project in detail.

You have the right to participate as a party at the referenced administrative hearing. This includes the right to cross-examine witnesses, present evidence and otherwise present your case. The proceeding is an administrative hearing, and will be conducted as a formal proceeding. You are encouraged to consult with your legal counsel if you have legal questions regarding this.

I am the contact person if you have questions about the upcoming ALCAB hearing. Please keep in mind that the website identified above will have the most current information on the hearing and how you may participate. Although it is not required:

- *If you intended to participate in the administrative hearing* it would be appreciated if you or your legal counsel would contact me so that I may facilitate your participation; and
- *If you do not object to the proposed condemnation of the land you own or lease, or you do not intend to participate in the administrative hearing*, it would be appreciated if you or your legal counsel would contact me to advise me of that.

If you have any questions, concerns, or need additional information, please do not hesitate to contact me at (717) 783-8460. Thank you for your consideration in this matter.

Sincerely,


April Orwig

Administrative Officer II

Enclosures: (3)

1. Governor Wolf's July 10, 2020 Order authorizing Online Hearings
2. PennDOT's July 24, 2020 Application for ALCAB Hearing
3. Farmland Assessment Report



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR

**ORDER OF
THE GOVERNOR OF THE COMMONWEALTH OF PENNSYLVANIA
AUTHORIZING COMMONWEALTH AGENCIES TO
CONDUCT ADMINISTRATIVE PROCEEDINGS
ONLINE BY VIDEO OR TELEPHONIC MEANS**

WHEREAS, the World Health Organization and the Centers for Disease Control and Prevention ("CDC") have declared a novel coronavirus ("COVID-19") a "public health emergency of international concern," and the U.S. Department of Health and Human Services ("HHS") Secretary has declared that COVID-19 creates a public health emergency; and

WHEREAS, as of March 6, 2020, I proclaimed the existence of a disaster emergency throughout the Commonwealth pursuant to 35 Pa. C.S. § 7301(c); and

WHEREAS, on June 3, 2020, I renewed the proclamation of disaster emergency because of the ongoing threat of COVID-19 to individuals within the Commonwealth of Pennsylvania; and

WHEREAS, COVID-19 is a contagious disease that is rapidly spreading from person to person. People infected are capable of exposing others to COVID-19 even if their symptoms are mild, such as a cough, or even if they are asymptomatic. Additionally, exposure is possible by touching a surface or object that has the virus on it and then touching one's mouth, nose, or eyes; and

WHEREAS, limiting unnecessary physical and in-person interactions is essential to mitigating the spread of virus; and

WHEREAS, as regions of the state reopen, and as Commonwealth Agencies resume the full range of administrative proceedings, they must strive to minimize occasions for the transmission of COVID-19 by utilizing remote or virtual methods of conducting administrative proceedings where possible, and by following the Centers for Disease Control and Prevention (CDC) and Department of Health guidelines and other orders or guidance that may be required when in-person proceedings are necessary; and

WHEREAS, I am charged with the responsibility to address dangers facing the Commonwealth of Pennsylvania and its residents that result from disasters. 35 Pa. C.S. § 7301(a); and

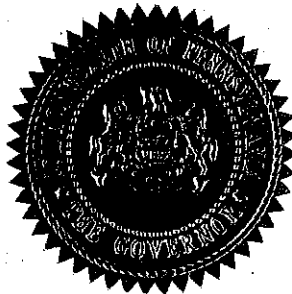
WHEREAS, in executing the extraordinary powers outlined above, I am further authorized during a disaster emergency to issue, amend and rescind executive orders, proclamations and regulations and those directives shall have the force and effect of law. 35 Pa. C.S. § 7301(b); and

WHEREAS, as of July 10, 2020, the Commonwealth of Pennsylvania has 93,876 persons who have tested positive or meet the requirements as probable cases for COVID-19 in all sixty-seven counties and reports 6,880 deaths from the virus.

NOW THEREFORE, pursuant to the authority vested in me and my Administration by the laws of the Commonwealth of Pennsylvania, I do hereby ORDER and PROCLAIM as follows:

- 1. Any Commonwealth Agency, as defined by 2 Pa. C.S. § 101, is authorized to:*

- a. *Limit in-person access to administrative proceedings in order to safeguard the health and safety of agency personnel and members of the public; and*
 - b. *Utilize video, telephonic, or other online conferencing equipment or services to conduct administrative hearings without consent of the parties, at the discretion of the presiding officer/hearing examiner.*
2. *Any regulatory statute, order, rule or regulation of any Commonwealth agency, as defined by 2 Pa. C.S. § 101, that prevents any agency from holding administrative proceedings via video, telephonic, or other online conferencing means is hereby suspended.*
3. *All Commonwealth agencies under the Governor's jurisdiction shall establish procedures for conducting in-person, video and telephonic administrative hearings, and communicate such procedures to participants by publishing the same on each agency webpage and including a copy of such procedures with each hearing notice.*
4. *Implementation. All Commonwealth agencies under the Governor's jurisdiction are directed to take all steps necessary to implement this Executive Order. Independent Commonwealth agencies are also strongly encouraged to implement this Executive Order.*
5. *General Provisions. This Executive Order shall be implemented consistent with applicable law. This Executive Order is not intended to, and does not create, any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the Commonwealth of Pennsylvania, its departments, agencies, or entities, its officers, employees, or agents, or any other person.*
6. *Effective Date. This Executive Order shall take effect immediately and shall expire when the Governor terminates the disaster emergency proclaimed on March 6, 2020 pursuant to 35 Pa. C.S. § 7301(c) or the declaration emergency proclaimed March 6, 2020 expires by law pursuant to 35 Pa. C.S. § 7301(c).*



GIVEN under my hand and the Seal of the Governor, at the city of Harrisburg, on this tenth day of July two thousand twenty, the year of the commonwealth the two hundred and forty-fifth.

Tom Wolf
TOM WOLF
Governor



July 24, 2020

The Honorable Russell C. Redding
Secretary of the Department of Agriculture
2301 North Cameron Street
Harrisburg, PA 17110-9408

Re: Application for ALCAB Hearing

Dear Secretary Redding:

Please accept this as notice and application from the Department of Transportation to convene—consistent with the Governor's Executive Order dated July 10, 2020 regarding the conduct of Administrative proceedings pursuant to COVID-19 protocol—the Agricultural Lands Condemnation Approval Board (ALCAB) for the Central Susquehanna Valley Transportation (CSVt) highway project, Southern Section, S.R. 0015, Section 088, Monroe Township and Shamokin Dam Borough, Snyder County, Pennsylvania. This request is in accordance with the provisions of Act 100, the Administrative Code of 1929, as amended, and Act 43, the Administrative Code of 1981, as amended. Five (5) copies of the Farmland Assessment Report (FAR) and one electronic media device of the same will be provided in a separate transmittal for the Department of Agriculture's use. Additional copies will also be provided for the Department of Agriculture to transmit to the ALCAB (one for each member and one for the hearing examiner) and to each landowner and farm operator impacted by the project. The names and addresses of the owners/operators are enclosed for your use in notifying them of the hearing and distribution of the FAR.

We respectfully request the approval of ALCAB to convert by exercise of the power of condemnation, if necessary, productive agricultural lands to the transportation use for the project as proposed by the Department. Kindly advise Ryan R. Vankirk, P.E. at 717.705.1338 or by email at rvankirk@pa.gov of the time, date, and location of the ALCAB hearing so that we may attend and provide testimony in support of our application for approval.

Sincerely,

A handwritten signature in black ink, appearing to read "Yassmin Gramian".

Yassmin Gramian, P.E.
Secretary of Transportation

Secretary Russell C. Redding
Application for ALCAB Hearing
Page 2
July 24, 2020

Enclosure

cc: John H. Howard Esquire, Department of Agriculture, Office of Chief Counsel
Dwight J. Smith Esquire, Department of Agriculture, Office of Chief Counsel
Douglas M. Wolfgang, Department of Agriculture, Bureau of Farmland
Preservation
Christopher J. Clements, Sr. Counsel-in-Charge, Right-of-Way



July 29, 2020

VIA OVERNIGHT DELIVERY

Sandra J. Shaffer
3103 Park Rd.
Selinsgrove, PA 17870

**RE: Docket No: AG-AL-2020-1
PROPOSED CONDEMNATION OF LAND IN AN
AGRICULTURAL SECURITY AREA
Notice of Administrative Hearing
Prospective Condemnor: PennDOT
Project: Central Susquehanna Valley Transportation (CSVt) Project
Site: Monroe Township, Snyder County**

Dear Ms. Shaffer:

The Pennsylvania Department of Transportation (PennDOT) has notified the Pennsylvania Department of Agriculture (PDA) that it intends to condemn certain land that is owned or leased by you, and that is within an agricultural security area established under authority of the Agricultural Area Security Law (Act) (3 P.S. § 901 *et seq.*) and is being used for productive agricultural purposes.

The land that is proposed for condemnation lies within Monroe Township, Snyder County. The proposed condemnation would be for highway purposes related to PennDOT's Central Susquehanna Valley Transportation (CSVt) Project.

Under Section 13(a) of the Act (3 P.S. § 913(a)), the approval of the Agricultural Lands Condemnation Approval Board (ALCAB) is required in order for the proposed condemnation to proceed. The applicable standard of review for the proposed condemnation is as set forth in § 13(d)(2)(i) of the Act (3 P.S. § 913(d)(2)(i)):

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You are hereby notified that ALCAB shall convene an administrative hearing on the subject condemnation approval request on **Wednesday, August 26, 2020 at 10:00 a.m.** Due to the current disaster emergency relating to the COVID-19 presence, and in accordance with Governor Tom Wolf's

July 28, 2020

July 10, 2020 Order authorizing Commonwealth agencies to conduct administrative proceedings online by video or telephonic means, this hearing will be conducted by online conference. A copy of Governor Wolf's Order is enclosed and incorporated into this notice.

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If you have any questions, concerns, or need additional information, please do not hesitate to contact me at (717) 783-8460. Thank you for your consideration in this matter.

Sincerely,



April Orwig
Administrative Officer II

Enclosures: (3)

1. Governor Wolf's July 10, 2020 Order authorizing Online Hearings
2. PennDOT's July 24, 2020 Application for ALCAB Hearing
3. Farmland Assessment Report



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR

**ORDER OF
THE GOVERNOR OF THE COMMONWEALTH OF PENNSYLVANIA
AUTHORIZING COMMONWEALTH AGENCIES TO
CONDUCT ADMINISTRATIVE PROCEEDINGS
ONLINE BY VIDEO OR TELEPHONIC MEANS**

WHEREAS, the World Health Organization and the Centers for Disease Control and Prevention ("CDC") have declared a novel coronavirus ("COVID-19") a "public health emergency of international concern," and the U.S. Department of Health and Human Services ("HHS") Secretary has declared that COVID-19 creates a public health emergency; and

WHEREAS, as of March 6, 2020, I proclaimed the existence of a disaster emergency throughout the Commonwealth pursuant to 35 Pa. C.S. § 7301(c); and

WHEREAS, on June 3, 2020, I renewed the proclamation of disaster emergency because of the ongoing threat of COVID-19 to individuals within the Commonwealth of Pennsylvania; and

WHEREAS, COVID-19 is a contagious disease that is rapidly spreading from person to person. People infected are capable of exposing others to COVID-19 even if their symptoms are mild, such as a cough, or even if they are asymptomatic. Additionally, exposure is possible by touching a surface or object that has the virus on it and then touching one's mouth, nose, or eyes; and

WHEREAS, limiting unnecessary physical and in-person interactions is essential to mitigating the spread of virus; and

WHEREAS, as regions of the state reopen, and as Commonwealth Agencies resume the full range of administrative proceedings, they must strive to minimize occasions for the transmission of COVID-19 by utilizing remote or virtual methods of conducting administrative proceedings where possible, and by following the Centers for Disease Control and Prevention (CDC) and Department of Health guidelines and other orders or guidance that may be required when in-person proceedings are necessary; and

WHEREAS, I am charged with the responsibility to address dangers facing the Commonwealth of Pennsylvania and its residents that result from disasters. 35 Pa. C.S. § 7301(a); and

WHEREAS, in executing the extraordinary powers outlined above, I am further authorized during a disaster emergency to issue, amend and rescind executive orders, proclamations and regulations and those directives shall have the force and effect of law. 35 Pa. C.S. § 7301(b); and

WHEREAS, as of July 10, 2020, the Commonwealth of Pennsylvania has 93,876 persons who have tested positive or meet the requirements as probable cases for COVID-19 in all sixty-seven counties and reports 6,880 deaths from the virus.

NOW THEREFORE, pursuant to the authority vested in me and my Administration by the laws of the Commonwealth of Pennsylvania, I do hereby ORDER and PROCLAIM as follows:

- 1. Any Commonwealth Agency, as defined by 2 Pa. C.S. § 101, is authorized to:*

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2. Any regulatory statute, order, rule or regulation of any Commonwealth agency, as defined by 2 Pa. C.S. § 101, that prevents any agency from holding administrative proceedings via video, telephonic, or other online conferencing means is hereby suspended.
3. All Commonwealth agencies under the Governor's jurisdiction shall establish procedures for conducting in-person, video and telephonic administrative hearings, and communicate such procedures to participants by publishing the same on each agency webpage and including a copy of such procedures with each hearing notice.
4. Implementation. All Commonwealth agencies under the Governor's jurisdiction are directed to take all steps necessary to implement this Executive Order. Independent Commonwealth agencies are also strongly encouraged to implement this Executive Order.
5. General Provisions. This Executive Order shall be implemented consistent with applicable law. This Executive Order is not intended to, and does not create, any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the Commonwealth of Pennsylvania, its departments, agencies, or entities, its officers, employees, or agents, or any other person.
6. Effective Date. This Executive Order shall take effect immediately and shall expire when the Governor terminates the disaster emergency proclaimed on March 6, 2020 pursuant to 35 Pa. C.S. § 7301(c) or the declaration emergency proclaimed March 6, 2020 expires by law pursuant to 35 Pa. C.S. § 7301(c).



GIVEN under my hand and the Seal of the Governor, at the city of Harrisburg, on this tenth day of July two thousand twenty, the year of the commonwealth the two hundred and forty-fifth.

Tom Wolf
TOM WOLF
Governor



pennsylvania
DEPARTMENT OF TRANSPORTATION

July 24, 2020

The Honorable Russell C. Redding
Secretary of the Department of Agriculture
2301 North Cameron Street
Harrisburg, PA 17110-9408

Re: Application for ALCAB Hearing

Dear Secretary Redding:

Please accept this as notice and application from the Department of Transportation to convene—consistent with the Governor's Executive Order dated July 10, 2020 regarding the conduct of Administrative proceedings pursuant to COVID-19 protocol—the Agricultural Lands Condemnation Approval Board (ALCAB) for the Central Susquehanna Valley Transportation (CSV) highway project, Southern Section, S.R. 0015, Section 088, Monroe Township and Shamokin Dam Borough, Snyder County, Pennsylvania. This request is in accordance with the provisions of Act 100, the Administrative Code of 1929, as amended, and Act 43, the Administrative Code of 1981, as amended. Five (5) copies of the Farmland Assessment Report (FAR) and one electronic media device of the same will be provided in a separate transmittal for the Department of Agriculture's use. Additional copies will also be provided for the Department of Agriculture to transmit to the ALCAB (one for each member and one for the hearing examiner) and to each landowner and farm operator impacted by the project. The names and addresses of the owners/operators are enclosed for your use in notifying them of the hearing and distribution of the FAR.

We respectfully request the approval of ALCAB to convert by exercise of the power of condemnation, if necessary, productive agricultural lands to the transportation use for the project as proposed by the Department. Kindly advise Ryan R. Vankirk, P.E. at 717.705.1338 or by email at rvankirk@pa.gov of the time, date, and location of the ALCAB hearing so that we may attend and provide testimony in support of our application for approval.

Sincerely,

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Yassmin Gramian, P.E.
Secretary of Transportation

Secretary Russell C. Redding
Application for ALCAB Hearing
Page 2
July 24, 2020

Enclosure

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Dwight J. Smith Esquire, Department of Agriculture, Office of Chief Counsel
Douglas M. Wolfgang, Department of Agriculture, Bureau of Farmland
Preservation
Christopher J. Clements, Sr. Counsel-in-Charge, Right-of-Way



pennsylvania
DEPARTMENT OF AGRICULTURE

July 29, 2020

VIA OVERNIGHT DELIVERY

Jason Godek
104 Fire Stone Lane
Middleburg, PA 17842

**RE: Docket No: AG-AL-2020-1
PROPOSED CONDEMNATION OF LAND IN AN
AGRICULTURAL SECURITY AREA
Notice of Administrative Hearing
Prospective Condemnor: PennDOT
Project: Central Susquehanna Valley Transportation (CSVT) Project
Site: Monroe Township, Snyder County**

Dear Mr. Godek:

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July 28, 2020

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April Orwig
Administrative Officer II

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COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR

**ORDER OF
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AUTHORIZING COMMONWEALTH AGENCIES TO
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GIVEN under my hand and the Seal of the Governor, at the city of Harrisburg, on this tenth day of July two thousand twenty, the year of the commonwealth the two hundred and forty-fifth.

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July 24, 2020

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Yassmin Gramian, P.E.
Secretary of Transportation

Secretary Russell C. Redding
Application for ALCAB Hearing
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July 24, 2020

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Douglas M. Wolfgang, Department of Agriculture, Bureau of Farmland
Preservation
Christopher J. Clements, Sr. Counsel-in-Charge, Right-of-Way



pennsylvania
DEPARTMENT OF AGRICULTURE

July 29, 2020

VIA OVERNIGHT DELIVERY

Aqua Pennsylvania, Inc.
204 East Sunbury St.
Shamokin, PA 178721

**RE: Docket No: AG-AL-2020-1
PROPOSED CONDEMNATION OF LAND IN AN
AGRICULTURAL SECURITY AREA
Notice of Administrative Hearing
Prospective Condemnor: PennDOT
Project: Central Susquehanna Valley Transportation (CSVT) Project
Site: Monroe Township, Snyder County**

Dear Aqua Pennsylvania, Inc.:

The Pennsylvania Department of Transportation (PennDOT) has notified the Pennsylvania Department of Agriculture (PDA) that it intends to condemn certain land that is owned or leased by you, and that is within an agricultural security area established under authority of the Agricultural Area Security Law (Act) (3 P.S. § 901 *et seq.*) and is being used for productive agricultural purposes.

The land that is proposed for condemnation lies within Monroe Township, Snyder County. The proposed condemnation would be for highway purposes related to PennDOT's Central Susquehanna Valley Transportation (CSVT) Project.

Under Section 13(a) of the Act (3 P.S. § 913(a)), the approval of the Agricultural Lands Condemnation Approval Board (ALCAB) is required in order for the proposed condemnation to proceed. The applicable standard of review for the proposed condemnation is as set forth in § 13(d)(2)(i) of the Act (3 P.S. § 913(d)(2)(i)):

(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.* (Italics added).

You are hereby notified that ALCAB shall convene an administrative hearing on the subject condemnation approval request on **Wednesday, August 26, 2020 at 10:00 a.m.** Due to the current disaster emergency relating to the COVID-19 presence, and in accordance with Governor Tom Wolf's

July 28, 2020

July 10, 2020 Order authorizing Commonwealth agencies to conduct administrative proceedings online by video or telephonic means, this hearing will be conducted by online conference. A copy of Governor Wolf's Order is enclosed and incorporated into this notice.

Information as to how you may participate in the August 26, 2020 online hearing will be posted online at this website address:

www.csvt.com/ALCAB

Please note that the website *will be updated* as the August 26, 2020 hearing date approaches, and will provide more details as to how you may participate.

I have enclosed a copy of all information received to date with respect to the proposed condemnation. This consists of: (1) PennDOT's July 24, 2020 Application for ALCAB Hearing; and (2) a Farmlands Assessment Report that was provided by PennDOT, describing the project in detail.

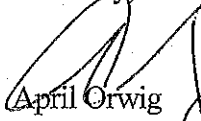
You have the right to participate as a party at the referenced administrative hearing. This includes the right to cross-examine witnesses, present evidence and otherwise present your case. The proceeding is an administrative hearing, and will be conducted as a formal proceeding. You are encouraged to consult with your legal counsel if you have legal questions regarding this.

I am the contact person if you have questions about the upcoming ALCAB hearing. Please keep in mind that the website identified above will have the most current information on the hearing and how you may participate. Although it is not required:

- *If you intended to participate in the administrative hearing* it would be appreciated if you or your legal counsel would contact me so that I may facilitate your participation; and
- *If you do not object to the proposed condemnation of the land you own or lease, or you do not intend to participate in the administrative hearing*, it would be appreciated if you or your legal counsel would contact me to advise me of that.

If you have any questions, concerns, or need additional information, please do not hesitate to contact me at (717) 783-8460. Thank you for your consideration in this matter.

Sincerely,



April Orwig
Administrative Officer II

Enclosures: (3)

1. Governor Wolf's July 10, 2020 Order authorizing Online Hearings
2. PennDOT's July 24, 2020 Application for ALCAB Hearing
3. Farmland Assessment Report



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR

**ORDER OF
THE GOVERNOR OF THE COMMONWEALTH OF PENNSYLVANIA
AUTHORIZING COMMONWEALTH AGENCIES TO
CONDUCT ADMINISTRATIVE PROCEEDINGS
ONLINE BY VIDEO OR TELEPHONIC MEANS**

WHEREAS, the World Health Organization and the Centers for Disease Control and Prevention ("CDC") have declared a novel coronavirus ("COVID-19") a "public health emergency of international concern," and the U.S. Department of Health and Human Services ("HHS") Secretary has declared that COVID-19 creates a public health emergency; and

WHEREAS, as of March 6, 2020, I proclaimed the existence of a disaster emergency throughout the Commonwealth pursuant to 35 Pa. C.S. § 7301(c); and

WHEREAS, on June 3, 2020, I renewed the proclamation of disaster emergency because of the ongoing threat of COVID-19 to individuals within the Commonwealth of Pennsylvania; and

WHEREAS, COVID-19 is a contagious disease that is rapidly spreading from person to person. People infected are capable of exposing others to COVID-19 even if their symptoms are mild, such as a cough, or even if they are asymptomatic. Additionally, exposure is possible by touching a surface or object that has the virus on it and then touching one's mouth, nose, or eyes; and

WHEREAS, limiting unnecessary physical and in-person interactions is essential to mitigating the spread of virus; and

WHEREAS, as regions of the state reopen, and as Commonwealth Agencies resume the full range of administrative proceedings, they must strive to minimize occasions for the transmission of COVID-19 by utilizing remote or virtual methods of conducting administrative proceedings where possible, and by following the Centers for Disease Control and Prevention (CDC) and Department of Health guidelines and other orders or guidance that may be required when in-person proceedings are necessary; and

WHEREAS, I am charged with the responsibility to address dangers facing the Commonwealth of Pennsylvania and its residents that result from disasters. 35 Pa. C.S. § 7301(a); and

WHEREAS, in executing the extraordinary powers outlined above, I am further authorized during a disaster emergency to issue, amend and rescind executive orders, proclamations and regulations and those directives shall have the force and effect of law. 35 Pa. C.S. § 7301(b); and

WHEREAS, as of July 10, 2020, the Commonwealth of Pennsylvania has 93,876 persons who have tested positive or meet the requirements as probable cases for COVID-19 in all sixty-seven counties and reports 6,880 deaths from the virus.

NOW THEREFORE, pursuant to the authority vested in me and my Administration by the laws of the Commonwealth of Pennsylvania, I do hereby ORDER and PROCLAIM as follows:

- 1. Any Commonwealth Agency, as defined by 2 Pa. C.S. § 101, is authorized to:*

- a. *Limit in-person access to administrative proceedings in order to safeguard the health and safety of agency personnel and members of the public; and*
 - b. *Utilize video, telephonic, or other online conferencing equipment or services to conduct administrative hearings without consent of the parties, at the discretion of the presiding officer/hearing examiner.*
2. *Any regulatory statute, order, rule or regulation of any Commonwealth agency, as defined by 2 Pa. C.S. § 101, that prevents any agency from holding administrative proceedings via video, telephonic, or other online conferencing means is hereby suspended.*
3. *All Commonwealth agencies under the Governor's jurisdiction shall establish procedures for conducting in-person, video and telephonic administrative hearings, and communicate such procedures to participants by publishing the same on each agency webpage and including a copy of such procedures with each hearing notice.*
4. *Implementation. All Commonwealth agencies under the Governor's jurisdiction are directed to take all steps necessary to implement this Executive Order. Independent Commonwealth agencies are also strongly encouraged to implement this Executive Order.*
5. *General Provisions. This Executive Order shall be implemented consistent with applicable law. This Executive Order is not intended to, and does not create, any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the Commonwealth of Pennsylvania, its departments, agencies, or entities, its officers, employees, or agents, or any other person.*
6. *Effective Date. This Executive Order shall take effect immediately and shall expire when the Governor terminates the disaster emergency proclaimed on March 6, 2020 pursuant to 35 Pa. C.S. § 7301(c) or the declaration emergency proclaimed March 6, 2020 expires by law pursuant to 35 Pa. C.S. § 7301(c).*



GIVEN under my hand and the Seal of the Governor, at the city of Harrisburg, on this tenth day of July two thousand twenty, the year of the commonwealth the two hundred and forty-fifth.

Tom Wolf
TOM WOLF
Governor



July 24, 2020

The Honorable Russell C. Redding
Secretary of the Department of Agriculture
2301 North Cameron Street
Harrisburg, PA 17110-9408

Re: Application for ALCAB Hearing

Dear Secretary Redding:

Please accept this as notice and application from the Department of Transportation to convene—consistent with the Governor's Executive Order dated July 10, 2020 regarding the conduct of Administrative proceedings pursuant to COVID-19 protocol—the Agricultural Lands Condemnation Approval Board (ALCAB) for the Central Susquehanna Valley Transportation (CSVT) highway project, Southern Section, S.R. 0015, Section 088, Monroe Township and Shamokin Dam Borough, Snyder County, Pennsylvania. This request is in accordance with the provisions of Act 100, the Administrative Code of 1929, as amended, and Act 43, the Administrative Code of 1981, as amended. Five (5) copies of the Farmland Assessment Report (FAR) and one electronic media device of the same will be provided in a separate transmittal for the Department of Agriculture's use. Additional copies will also be provided for the Department of Agriculture to transmit to the ALCAB (one for each member and one for the hearing examiner) and to each landowner and farm operator impacted by the project. The names and addresses of the owners/operators are enclosed for your use in notifying them of the hearing and distribution of the FAR.

We respectfully request the approval of ALCAB to convert by exercise of the power of condemnation, if necessary, productive agricultural lands to the transportation use for the project as proposed by the Department. Kindly advise Ryan R. Vankirk, P.E. at 717.705.1338 or by email at rvankirk@pa.gov of the time, date, and location of the ALCAB hearing so that we may attend and provide testimony in support of our application for approval.

Sincerely,

A handwritten signature in black ink, appearing to read "Yassmin Gramian".

Yassmin Gramian, P.E.
Secretary of Transportation

Secretary Russell C. Redding
Application for ALCAB Hearing
Page 2
July 24, 2020

Enclosure

cc: John H. Howard Esquire, Department of Agriculture, Office of Chief Counsel
Dwight J. Smith Esquire, Department of Agriculture, Office of Chief Counsel
Douglas M. Wolfgang, Department of Agriculture, Bureau of Farmland
Preservation
Christopher J. Clements, Sr. Counsel-in-Charge, Right-of-Way



pennsylvania
DEPARTMENT OF AGRICULTURE

July 29, 2020

VIA OVERNIGHT DELIVERY

Malcolm S. Debo
5550 Park Rd
Selinsgrove, PA 17870

RE: Docket No: AG-AL-2020-1
PROPOSED CONDEMNATION OF LAND IN AN
AGRICULTURAL SECURITY AREA
Notice of Administrative Hearing
Prospective Condemnor: PennDOT
Project: Central Susquehanna Valley Transportation (CSVT) Project
Site: Monroe Township, Snyder County

Dear Mr. Debo:

The Pennsylvania Department of Transportation (PennDOT) has notified the Pennsylvania Department of Agriculture (PDA) that it intends to condemn certain land that is owned or leased by you, and that is within an agricultural security area established under authority of the Agricultural Area Security Law (Act) (3 P.S. § 901 *et seq.*) and is being used for productive agricultural purposes.

The land that is proposed for condemnation lies within Monroe Township, Snyder County. The proposed condemnation would be for highway purposes related to PennDOT's Central Susquehanna Valley Transportation (CSVT) Project.

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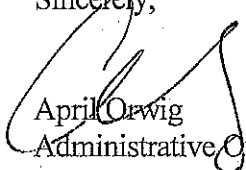
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If you have any questions, concerns, or need additional information, please do not hesitate to contact me at (717) 783-8460. Thank you for your consideration in this matter.

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Administrative Officer II

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COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR

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AUTHORIZING COMMONWEALTH AGENCIES TO
CONDUCT ADMINISTRATIVE PROCEEDINGS
ONLINE BY VIDEO OR TELEPHONIC MEANS**

WHEREAS, the World Health Organization and the Centers for Disease Control and Prevention ("CDC") have declared a novel coronavirus ("COVID-19") a "public health emergency of international concern," and the U.S. Department of Health and Human Services ("HHS") Secretary has declared that COVID-19 creates a public health emergency; and

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GIVEN under my hand and the Seal of the Governor, at the city of Harrisburg, on this tenth day of July two thousand twenty, the year of the commonwealth the two hundred and forty-fifth.

Tom Wolf
TOM WOLF
Governor



July 24, 2020

The Honorable Russell C. Redding
Secretary of the Department of Agriculture
2301 North Cameron Street
Harrisburg, PA 17110-9408

Re: Application for ALCAB Hearing

Dear Secretary Redding:

Please accept this as notice and application from the Department of Transportation to convene—consistent with the Governor's Executive Order dated July 10, 2020 regarding the conduct of Administrative proceedings pursuant to COVID-19 protocol—the Agricultural Lands Condemnation Approval Board (ALCAB) for the Central Susquehanna Valley Transportation (CSVt) highway project, Southern Section, S.R. 0015, Section 088, Monroe Township and Shamokin Dam Borough, Snyder County, Pennsylvania. This request is in accordance with the provisions of Act 100, the Administrative Code of 1929, as amended, and Act 43, the Administrative Code of 1981, as amended. Five (5) copies of the Farmland Assessment Report (FAR) and one electronic media device of the same will be provided in a separate transmittal for the Department of Agriculture's use. Additional copies will also be provided for the Department of Agriculture to transmit to the ALCAB (one for each member and one for the hearing examiner) and to each landowner and farm operator impacted by the project. The names and addresses of the owners/operators are enclosed for your use in notifying them of the hearing and distribution of the FAR.

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Yassmin Gramian, P.E.
Secretary of Transportation

Secretary Russell C. Redding
Application for ALCAB Hearing
Page 2
July 24, 2020

Enclosure

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Dwight J. Smith Esquire, Department of Agriculture, Office of Chief Counsel
Douglas M. Wolfgang, Department of Agriculture, Bureau of Farmland
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Christopher J. Clements, Sr. Counsel-in-Charge, Right-of-Way



pennsylvania
DEPARTMENT OF AGRICULTURE

July 29, 2020

VIA OVERNIGHT DELIVERY

Carole A. App Irrevocable Trust
1010 Stonebridge Drive
Selinsgrove, PA 17870

RE: Docket No: AG-AL-2020-1
PROPOSED CONDEMNATION OF LAND IN AN
AGRICULTURAL SECURITY AREA
Notice of Administrative Hearing
Prospective Condemnor: PennDOT
Project: Central Susquehanna Valley Transportation (CSVT) Project
Site: Monroe Township, Snyder County

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July 28, 2020

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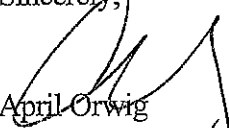
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OFFICE OF THE GOVERNOR

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THE GOVERNOR OF THE COMMONWEALTH OF PENNSYLVANIA
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Re: Application for ALCAB Hearing

Dear Secretary Redding:

Please accept this as notice and application from the Department of Transportation to convene—consistent with the Governor's Executive Order dated July 10, 2020 regarding the conduct of Administrative proceedings pursuant to COVID-19 protocol—the Agricultural Lands Condemnation Approval Board (ALCAB) for the Central Susquehanna Valley Transportation (CSVTV) highway project, Southern Section, S.R. 0015, Section 088, Monroe Township and Shamokin Dam Borough, Snyder County, Pennsylvania. This request is in accordance with the provisions of Act 100, the Administrative Code of 1929, as amended, and Act 43, the Administrative Code of 1981, as amended. Five (5) copies of the Farmland Assessment Report (FAR) and one electronic media device of the same will be provided in a separate transmittal for the Department of Agriculture's use. Additional copies will also be provided for the Department of Agriculture to transmit to the ALCAB (one for each member and one for the hearing examiner) and to each landowner and farm operator impacted by the project. The names and addresses of the owners/operators are enclosed for your use in notifying them of the hearing and distribution of the FAR.

We respectfully request the approval of ALCAB to convert by exercise of the power of condemnation, if necessary, productive agricultural lands to the transportation use for the project as proposed by the Department. Kindly advise Ryan R. Vankirk, P.E. at 717.705.1338 or by email at rvankirk@pa.gov of the time, date, and location of the ALCAB hearing so that we may attend and provide testimony in support of our application for approval.

Sincerely,

A handwritten signature in black ink, appearing to read "Yassmin Gramian".

Yassmin Gramian, P.E.
Secretary of Transportation

Secretary Russell C. Redding
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July 24, 2020

Enclosure

cc: John H. Howard Esquire, Department of Agriculture, Office of Chief Counsel
Dwight J. Smith Esquire, Department of Agriculture, Office of Chief Counsel
Douglas M. Wolfgang, Department of Agriculture, Bureau of Farmland
Preservation
Christopher J. Clements, Sr. Counsel-in-Charge, Right-of-Way



pennsylvania
DEPARTMENT OF AGRICULTURE

July 29, 2020

VIA OVERNIGHT DELIVERY

**Hummel Farm Trust
c/o Russella L. Moerschbacher
332 Stetler Ave.
Selinsgrove, PA 17870**

**RE: Docket No: AG-AL-2020-1
PROPOSED CONDEMNATION OF LAND IN AN
AGRICULTURAL SECURITY AREA
Notice of Administrative Hearing
Prospective Condemnor: PennDOT
Project: Central Susquehanna Valley Transportation (CSVT) Project
Site: Monroe Township, Snyder County**

Dear Hummel Farm Trust c/o Russella L. Moerschbacher:

The Pennsylvania Department of Transportation (PennDOT) has notified the Pennsylvania Department of Agriculture (PDA) that it intends to condemn certain land that is owned or leased by you, and that is within an agricultural security area established under authority of the Agricultural Area Security Law (Act) (3 P.S. § 901 *et seq.*) and is being used for productive agricultural purposes.

The land that is proposed for condemnation lies within Monroe Township, Snyder County. The proposed condemnation would be for highway purposes related to PennDOT's Central Susquehanna Valley Transportation (CSVT) Project.

Under Section 13(a) of the Act (3 P.S. § 913(a)), the approval of the Agricultural Lands Condemnation Approval Board (ALCAB) is required in order for the proposed condemnation to proceed. The applicable standard of review for the proposed condemnation is as set forth in § 13(d)(2)(i) of the Act (3 P.S. § 913(d)(2)(i)):

(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.* (Italics added).

You are hereby notified that ALCAB shall convene an administrative hearing on the subject condemnation approval request on **Wednesday, August 26, 2020 at 10:00 a.m.** Due to the current disaster emergency relating to the COVID-19 presence, and in accordance with Governor Tom Wolf's

July 28, 2020

July 10, 2020 Order authorizing Commonwealth agencies to conduct administrative proceedings online by video or telephonic means, **this hearing will be conducted by online conference**. A copy of Governor Wolf's Order is enclosed and incorporated into this notice.

Information as to how you may participate in the August 26, 2020 online hearing will be posted online at this website address:

www.csvt.com/ALCAB

Please note that the website *will be updated* as the August 26, 2020 hearing date approaches, and will provide more details as to how you may participate.

I have enclosed a copy of all information received to date with respect to the proposed condemnation. This consists of: (1) PennDOT's July 24, 2020 Application for ALCAB Hearing; and (2) a Farmlands Assessment Report that was provided by PennDOT, describing the project in detail.

You have the right to participate as a party at the referenced administrative hearing. This includes the right to cross-examine witnesses, present evidence and otherwise present your case. The proceeding is an administrative hearing, and will be conducted as a formal proceeding. You are encouraged to consult with your legal counsel if you have legal questions regarding this.

I am the contact person if you have questions about the upcoming ALCAB hearing. Please keep in mind that the website identified above will have the most current information on the hearing and how you may participate. Although it is not required:

- *If you intended to participate in the administrative hearing* it would be appreciated if you or your legal counsel would contact me so that I may facilitate your participation; and
- *If you do not object to the proposed condemnation of the land you own or lease, or you do not intend to participate in the administrative hearing*, it would be appreciated if you or your legal counsel would contact me to advise me of that.

If you have any questions, concerns, or need additional information, please do not hesitate to contact me at (717) 783-8460. Thank you for your consideration in this matter.

Sincerely,


April Orwig
Administrative Officer II

Enclosures: (3)

1. Governor Wolf's July 10, 2020 Order authorizing Online Hearings
2. PennDOT's July 24, 2020 Application for ALCAB Hearing
3. Farmland Assessment Report



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR

**ORDER OF
THE GOVERNOR OF THE COMMONWEALTH OF PENNSYLVANIA
AUTHORIZING COMMONWEALTH AGENCIES TO
CONDUCT ADMINISTRATIVE PROCEEDINGS
ONLINE BY VIDEO OR TELEPHONIC MEANS**

WHEREAS, the World Health Organization and the Centers for Disease Control and Prevention ("CDC") have declared a novel coronavirus ("COVID-19") a "public health emergency of international concern," and the U.S. Department of Health and Human Services ("HHS") Secretary has declared that COVID-19 creates a public health emergency; and

WHEREAS, as of March 6, 2020, I proclaimed the existence of a disaster emergency throughout the Commonwealth pursuant to 35 Pa. C.S. § 7301(c); and

WHEREAS, on June 3, 2020, I renewed the proclamation of disaster emergency because of the ongoing threat of COVID-19 to individuals within the Commonwealth of Pennsylvania; and

WHEREAS, COVID-19 is a contagious disease that is rapidly spreading from person to person. People infected are capable of exposing others to COVID-19 even if their symptoms are mild, such as a cough, or even if they are asymptomatic. Additionally, exposure is possible by touching a surface or object that has the virus on it and then touching one's mouth, nose, or eyes; and

WHEREAS, limiting unnecessary physical and in-person interactions is essential to mitigating the spread of virus; and

WHEREAS, as regions of the state reopen, and as Commonwealth Agencies resume the full range of administrative proceedings, they must strive to minimize occasions for the transmission of COVID-19 by utilizing remote or virtual methods of conducting administrative proceedings where possible, and by following the Centers for Disease Control and Prevention (CDC) and Department of Health guidelines and other orders or guidance that may be required when in-person proceedings are necessary; and

WHEREAS, I am charged with the responsibility to address dangers facing the Commonwealth of Pennsylvania and its residents that result from disasters. 35 Pa. C.S. § 7301(a); and

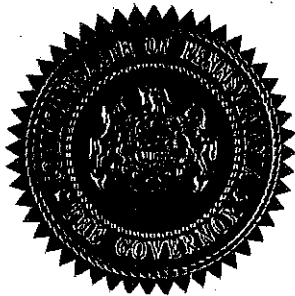
WHEREAS, in executing the extraordinary powers outlined above, I am further authorized during a disaster emergency to issue, amend and rescind executive orders, proclamations and regulations and those directives shall have the force and effect of law. 35 Pa. C.S. § 7301(b); and

WHEREAS, as of July 10, 2020, the Commonwealth of Pennsylvania has 93,876 persons who have tested positive or meet the requirements as probable cases for COVID-19 in all sixty-seven counties and reports 6,880 deaths from the virus.

NOW THEREFORE, pursuant to the authority vested in me and my Administration by the laws of the Commonwealth of Pennsylvania, I do hereby ORDER and PROCLAIM as follows:

- 1. Any Commonwealth Agency, as defined by 2 Pa. C.S. § 101, is authorized to:*

- a. *Limit in-person access to administrative proceedings in order to safeguard the health and safety of agency personnel and members of the public; and*
 - b. *Utilize video, telephonic, or other online conferencing equipment or services to conduct administrative hearings without consent of the parties, at the discretion of the presiding officer/hearing examiner.*
2. *Any regulatory statute, order, rule or regulation of any Commonwealth agency, as defined by 2 Pa. C.S. § 101, that prevents any agency from holding administrative proceedings via video, telephonic, or other online conferencing means is hereby suspended.*
3. *All Commonwealth agencies under the Governor's jurisdiction shall establish procedures for conducting in-person, video and telephonic administrative hearings, and communicate such procedures to participants by publishing the same on each agency webpage and including a copy of such procedures with each hearing notice.*
4. *Implementation. All Commonwealth agencies under the Governor's jurisdiction are directed to take all steps necessary to implement this Executive Order. Independent Commonwealth agencies are also strongly encouraged to implement this Executive Order.*
5. *General Provisions. This Executive Order shall be implemented consistent with applicable law. This Executive Order is not intended to, and does not create, any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the Commonwealth of Pennsylvania, its departments, agencies, or entities, its officers, employees, or agents, or any other person.*
6. *Effective Date. This Executive Order shall take effect immediately and shall expire when the Governor terminates the disaster emergency proclaimed on March 6, 2020 pursuant to 35 Pa. C.S. § 7301(c) or the declaration emergency proclaimed March 6, 2020 expires by law pursuant to 35 Pa. C.S. § 7301(c).*



GIVEN under my hand and the Seal of the Governor, at the city of Harrisburg, on this tenth day of July two thousand twenty, the year of the commonwealth the two hundred and forty-fifth.

Tom Wolf
TOM WOLF
Governor



July 24, 2020

The Honorable Russell C. Redding
Secretary of the Department of Agriculture
2301 North Cameron Street
Harrisburg, PA 17110-9408

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