

## DURHAM TOWNSHIP

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March 22, 2018

Delaware River Basin Commission  
25 Cosey Road  
P.O. Box 7360  
West Trenton, NJ 08628-0360

RE: Proposed Rule Making to amend Special Regulations

Commissioners,

Durham Township Board of Supervisors (Supervisors), through its prudent use and protection of natural resources has preserved a beautiful, open landscape of rolling hills and open farm fields which afford magnificent views; wooded slopes and hedgerows still support abundant wildlife and our streams are clear and pure. Development in Durham Township has remained consistent with the physical limitations and potential of the land and with the attitudes and opinions of the people toward the land. This development of the landscape emanates from recognition by the Township residents of the limitations and benefits that can be expected if natural resources are respected and used appropriately.

The Pennsylvania Municipalities Planning Code, the enabling legislation for all land use planning in the Commonwealth, supports a municipality's effort to protect prime agricultural land and natural resources. Subsection (6) of Section 301 stipulates that a municipal comprehensive plan include a plan for the protection of prime agricultural land and natural resources. Our commitment to safeguarding our environment, resources and surroundings is evidenced by the regulations, permitting and safeguards put in place via ordinances. Ordinances are the voice of the people as spoken through the elected officials; an ordinance places the obligation of obedience on the part of all subject to that authority. (<https://www.merriam-ebster.com/dictionary/ordinance>)

The preservation of land in Durham Township has become an active endeavor that is very successful. Land has been permanently preserved through the following three different means.

([http://durhamtownship.org/user\\_docs/forms/DT%20Comp%20Plan%20Update%202016.pdf](http://durhamtownship.org/user_docs/forms/DT%20Comp%20Plan%20Update%202016.pdf))

### **AGRICULTURAL SECURITY AREA**

The Agricultural Security Area Law (Act 43 of 1981) established a program to protect agricultural land from development pressure. It is a voluntary program that is established by Township governing body at the request of a group of landowners. The program is intended to promote more permanent and viable farming operations by strengthening the farmer's sense of security of a right to farm. Farmers enrolled in the program realize the following benefits:

- Protection from municipal nuisance ordinances restricting normal farming operations.
- Enrollment into the county's easement purchase program requires being part of an Agricultural Security Area. There are twenty-five properties in the Durham Township Agricultural Security Area that have a total area of approximately 1,842.7 acres.

### **BUCKS COUNTY AGRICULTURAL PRESERVATION PROGRAM**

The Bucks County Commissioners have an active agricultural land preservation program that is administered by the Agricultural Preservation Board. The Bucks County Agricultural Land Easement Program was established in 1990 as part of the Pennsylvania Farmland Protection Program. The joint state/county easement purchase program provides funds for agricultural conservation easement purchase. There are 29 parcels with a total of approximately 1305.76 acres in Agricultural Preservation. *These easements limit use of the land to agricultural operations in perpetuity.*

### **HERITAGE CONSERVANCY**

The Heritage Conservancy is a land conservation organization in Doylestown, PA that has a mission of protecting the natural and historic resources in the region. At this time the Conservancy has conservation easements on twenty-four properties in Durham Township totaling 659.7 acres.

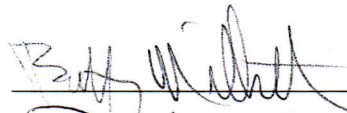
On June 20, 2017 the Pennsylvania Supreme Court ruled that Pennsylvania’s Environmental Rights Amendment (“ERA”) is a self-effectuating provision of the Constitution that must be adhered to by all levels of government. (<https://www.saul.com/publications/alerts/pa-supreme-court-enforces-and-renews-state%E2%80%99s-environmental-rights-amendment>)

It is with that ruling in mind that the Durham Township Board of Supervisors wish to convey their support to the Delaware River Basin Commission as permit applications from the Penn East Pipeline come under their review. We offer our support to strengthen your resolve to act in the Commonwealth’s and the individual land owners best interest, while adhering to and applying in a fair and equitable manner the rules and laws of the Commonwealth and of Durham Township. The Supreme Court ruling reminds us all that we must act as a “trustee” of the state’s natural resources rather than an owner.

(<https://stateimpact.npr.org/pennsylvania/2017/06/27/pa-supreme-courts-landmark-environment-ruling-faces-first-test%E2%80%8B/>)

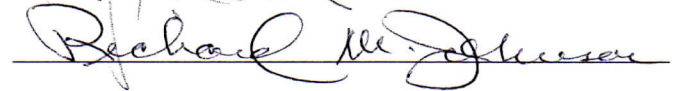
**DURHAM TOWNSHIP BOARD OF SUPERVISORS**

Bartley E. Millett, Chairman



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Richard M. Johnson, Vice Chairman / Treasurer

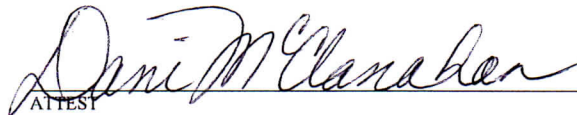


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Kathleen Gentner, Supervisor

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Dani McClanahan  
Durham Township Administrator/Secretary



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ATTEST

