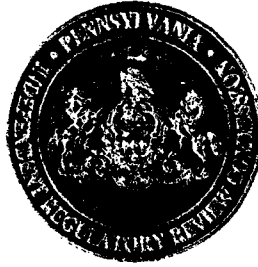


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**INDEPENDENT REGULATORY REVIEW COMMISSION**  
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

April 6, 2000

Honorable Samuel E. Hayes, Jr., Secretary  
Department of Agriculture  
211 Agriculture Building  
2301 North Cameron Street  
Harrisburg, PA 17110

Re: IRRC Regulation #2-124 (#2087)  
Department of Agriculture  
Agricultural Land Conservation Assistance Grant Program

Dear Secretary Hayes:

Enclosed are our Comments on the subject regulation. They are also available on our website at <http://www.irrc.state.pa.us>.

Our Comments list objections and suggestions for consideration when you prepare the final version of this regulation. We have also specified the regulatory criteria which have not been met. These Comments are not a formal approval or disapproval of the proposed version of this regulation.

If you would like to discuss these Comments, please contact John Nanorta at 787-8491.

Sincerely,

Robert E. Nyce  
Executive Director

wbg

Enclosure

cc: Wayne Grube  
Sandra Robison  
Office of General Counsel  
Office of Attorney General  
Lee Ann Labecki

**Comments of the Independent Regulatory Review Commission**

**on**

**Department of Agriculture Regulation No. 2-124**

**Agricultural Land Conservation Assistance Grant Program**

**April 6, 2000**

We submit for your consideration the following objections and recommendations regarding this regulation. Each objection or recommendation includes a reference to the criteria in the Regulatory Review Act (71 P.S. § 745.5a(h) and (i)) which has not been met. The Department of Agriculture must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered by March 6, 2002, the regulation will be deemed withdrawn.

**Section 138h.5. Eligibility criteria. – Fiscal Impact; Reasonableness; Need**

We question why the Department is deleting the criterion in existing Paragraph (b)(2) which requires evaluation of the “availability of funding for a project from a source other than the Commonwealth.”

If alternate funding is or becomes available to an applicant, continuing the Paragraph (b)(2) requirement would give the Department the flexibility of commensurately reducing the amount of funding to the applicant under the Agricultural Land Conservation Assistance Grant Program (Program). That, in turn, would make more funds available for other Program projects.

Three other proposed rulemakings implementing Farm Safety and Occupational Health programs (Regulations #2-119, #2-122 and #2-123) contain requirements that other sources of funding be evaluated. The Department should likewise continue this requirement in this regulation, or justify its deletion.