

Willig, Robert A.

From: [REDACTED]
Sent: Wednesday, June 27, 2018 3:23 PM
To: ACRE Shared Mailbox
Subject: Timber harvesting civil action

Dear Sir,

I request that the PA Attorney General Office review sections 701.13, 815.1, 815.2, 815.3 and 1200.3 of Eldred township, Monroe County zoning ordinance.

The township has filed a civil action against my farm for harvesting my tree crop. My contractor RGM Hardwoods was responsible for filing the paperwork and claims that this was done. He further claims that this ordinance is not legal under the laws of PA.

[REDACTED] President
[REDACTED]

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[REDACTED]
[REDACTED]
From: [REDACTED]
Sent: Monday, July 2, 2018 11:01 AM
To: ACRE Shared Mailbox <acre@attorneygeneral.gov>
Subject: Forestry complaint

I am filing a complaint against Eldred township in Montgomery county. The township has an ordinance that prohibits or limits a normal agricultural operation unless the local government unit has authority under state law to adopt the ordinance and it is not prohibited or preempted under state law. This in reference to my ability to harvest my trees.

The ordinance is attached and the pertinent section is copied below.

ELDRED TOWNSHIP ZONING ORDINANCE -- Standards for Specific Uses Page VIII -12

815 Forestry Enterprises

815.1 Permit Required A permit shall be required for all forestry enterprises.

815.2 Soil Erosion and Sedimentation and Storm Water Control

Any earth disturbance shall comply with §701.13 and a soil erosion and sedimentation control plan shall be required. No earth disturbance or clear cutting shall be permitted within twenty-five (25) feet of any water body or stream except for approved stream crossings.

815.3 Best Management Practices

Timber harvesting shall be conducted in accord with accepted best management practices. Accepted best management practices are generally those recommended by the Penn State College of Agricultural Sciences School of Forest Resources, the Pennsylvania Department of Environmental Protection Bureau of Forestry, the Pennsylvania Forestry Association, the Pennsylvania Hardwoods Development Council, the Hardwood Lumber Manufacturers Association of Pennsylvania, and the Society of American Foresters. Many of these best management practices are detailed in the following publications:

1. Best Management Practices for Pennsylvania Forests, Penn State College of Agricultural Sciences, 1996. 2.

Timber Harvesting Issues in Pennsylvania, Penn State College of Agricultural Sciences School of Forest Resources, undated. 3.

Best Management Practices for Silvicultural Activities in Pennsylvania's Forested Wetlands, Penn State College of Agricultural Sciences School of Forest Resources and Pennsylvania Hardwoods Development Council, 1993.

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