From:	
Sent:	Wednesday, September 4, 2019 2:44 PM
To:	ACRE Shared Mailbox
Subject:	ACRE Violation - Timber Harvest
Attachments:	doc02940320190904141954.pdf

Please find attached information on a timber harvest planned in Middleton Township, Delaware Co, PA. The township does not have a specific timber harvest ordinance, but is applying Chapter 186 Soil Erosion and Sediment Control and Chapter 198 Stormwater Management, both are attached. Correspondences are also attached. They required $100 fee and $1000 escrow before review.

They also have a copy of the required State E&S plan. I offered to have it reviewed by the Delaware County Conservation District if they would consider the harvest agricultural and exempt it as specified in their ordinance186-3B. Eric at their engineering firm did not agree per his attached review letter. The Conservation District Review is an additional $1000. I have called Meredith - Zoning Officer. No reply.
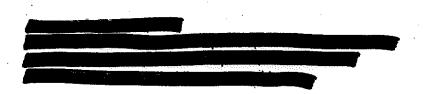
I believe violations of Act 38 are several.

From:

Sent: Friday, February 08, 2019 9:28 AM

To:

Subject: RE: Selection Timber Harvest ██████

Hi ██████

Yes, you can scan the application and mail the check. Once received, I'll put you in touch with Township Engineer ██████ ██████ who will be reviewing the application.

Thanks,

-----Original Message-----

From: ██████

Sent: Wednesday, February 6, 2019 11:37 AM

To: ██████

Subject: RE: Selection Timber Harvest ██████

Thank you. I will wait for your response and get the application to you. I need to update the plan to address the Riparian Buffer, then I will send the complete application.

Is a scan followed by the fee check in the mail OK?

-----Original Message-----

From: ██████

Sent: Wednesday, February 06, 2019 11:09 AM

To: ██████

Subject: RE: Selection Timber Harvest ██████

1

Just getting back to your voicemail from yesterday. The stormwater ordinance requires a 50 ft. minimum riparian buffer, unless a 25 ft. buffer is authorized by Council. I'll be seeing ███ tomorrow and will get confirmation from him that the plan you submitted can be attached to the SESC permit.

You were correct in your calculation of the fees - $100 permit fee plus $1,000 escrow.

I'll be in touch tomorrow about the plan.

Thanks,

████████

-----Original Message-----
From: ████████████████████████████
Sent: Friday, February 1, 2019 9:27 AM
To: ████████████████████████████
Subject: Selection Timber Harvest,████████Rd

████████Attached is the plan we corresponded about yesterday.

Have a good weekend.

Middletown Township
27 N. Pennell Rd, P.O. Box 157
Lima, PA 19037

To: ██████████████
Fr: ████████████████████
Re: Selection Timber Harvest ███████████
Date: 2/8/2019

████████ plans a timber harvest at on approximately 15 acres owned by ███████
████████████████████ There are 172 sawlogs marked with blue paint for
harvest. Species are shown below. Primary objectives are salvage of ash due to infestation of
Emerald Ash Borer and improving wildlife habitat by promoting nut producing trees such as
oak.

TREE SPECIES	NUMBER
Tulip poplar	79
White Ash	56
Black Cherry	9
Red Oak	8
Red Maple	7
American Beech	5
Black Oak	4
Sassafras	1
Scarlet Oak	1
White Oak	1
Black Gum	1
Total	172

The attached PA DEP Erosion & Sediment Control Plan will be followed to protect water quality.
No stream crossings are necessary to access trees planned for harvest and there are no
wetlands in the harvest area. Waterbars specified on pages 6 &7 and indicated on the Timber
Harvest Map will be maintained during harvest and immediately upon completion. Disturbed
areas will be seeded as specified on pages 17 &18. Filter strip specified on pages 11 & 12 will be
maintained to protect stream drainages. Trucks will access the property to haul the logs from
the existing entrance at ██████████.

Per §198-14D, a 50 foot riparian buffer along all perennial and intermittent streams will be
maintained in a vegetated state. No roads are necessary in the riparian buffer. Therefore, there
will be no cuts, fills, soil/rock/mineral extraction or removal, topsoil removal, structures or
stormwater management facilities.

Thank you.

████████████████████

Middletown Township
27 N. Pennell Road
Lima, PA 19037

Attn: ███████████
███████████████████

Date: March 20, 2019

Re: Soil Erosion & Sedimentation Control Permit
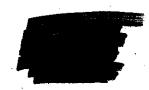███████████████████████████
████████████

Dear███████████

1. I ask that the Township consider the Timber Harvesting Operation planned at ███████████
as an agricultural project. As such would be exempt under 186-3B. Forestry is regulated by the
State as agricultural and is protected under the ACRE – Agricultural Communities and Rural
Environment Law.

2. A Selection Harvest is planned on approximately 15 acres at ███████ Estimated Disturbed
Area is calculated on page 3 of the Erosion and Sediment Control (E&S) Plan for a Timber
Harvesting Operation. This is the most current standard. It was updated in August of 2018 in
conjunction with PA DEP. I can submit the plan to the Conservation District for review, but will
not receive a permit, only an adequacy letter. As agriculture, timber harvest is exempt from
NPDES permits required when development disturbs an acre or more.

3. Section F. on page 11 of the E&S Plan for Timber Harvest specifies a minimum 75 foot stream
buffer. This could be delineated in the field with flagging to ensure it is protected as specified.
DCCD review would be obtained before implementation of plan.

4. See 1. Also, temporary skid roads used for this project would be used for only an
approximate 3 week period. Waterbars specified on page 7 of the E&S Control Plan for Timber
Harvest would prevent sediment discharge. Disturbed areas would also be seeded as specified
on page 17 of the plan after harvest is complete. There will be no conversion of woodland to
meadow. Openings in the forest canopy will increase sunlight to the forest floor promoting
natural regeneration of trees.

5. There is no development planned in conjunction with this harvest of timber. There is no land
conversion planned. All areas will be maintained as woodland for future. "This E&S Plan
template only applies to timber harvest activities, as defined by 25 Pa. Code Section 102.1,
which are not part of a larger development or conversion project".

6. Natural regeneration is the preferred method of renewal after timber harvest. Seed trees selected to remain in the residual stand will promote desirable tree regeneration. Oak is an important species that is being promoted.

7. The E&S Plan for Timber Harvest specifies standards for varying slopes not involved in development or conversion.

Please let me know if this is adequate, I will proceed with the review by DCCD.

Thank you,

Middletown Township
27 N. Pennell Road
Lima, PA 19037-0157

Attn: ██████████

February 22, 2019
File No: MT 120-Cr

Re: Soil Erosion & Sedimentation Control Permit
██████████████████████
¡Timber Harvest Operation
████████████████

Middletown Township, Delaware County

Dear ████████

This office reviewed the subject Soil Erosion & Sedimentation Control (SESC) Permit application (and submission documents), dated February 8, 2019, prepared by ████████████████ ██████████ on behalf of the ████████████████ ██████████ Application documents are for the harvesting of timber from approximately 15 acres of ground at the ████████ ████████ property at ██████████ No permanent impervious surface area is proposed.

The plan was reviewed for conformance with Middletown Township Code, Chapter 186, Soil Erosion and Sedimentation Control, Chapter 198, Stormwater Management and Chapter 204, Streets and Sidewalks. Total ground surface to be disturbed is approximately 42,000 square feet. Based on review of the documentation received by this office on February 14, 2019, a SESC Permit should not be issued until the following issues are addressed to the satisfaction of the Township:

1.   The plan submitted to the Township for control of erosion does not conform to Township Code Chapter 186, Section 186-6. We are unable to confirm the impact of this operation or verify compliance with other applicable Township Code requirements utilizing the submitted sketch plans. This operation is not exempt from the requirement of Chapter 186.

2.   The information submitted does not allow us to confirm whether the proposed limit of ground disturbance (42,000 square feet) is accurate. It appears an area much greater than

Middletown Township
RE: Soil Erosion & Sedimentation Control Permit
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February 22, 2019
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1 acre is to be harvested. Tree harvesting typically results in ground disturbance from equipment access, erosion control installation, tree dragging/hauling/loading and exposure of thinly vegetated understory areas. While the intended operation may be carried out in a manner that would not disturb more than 1 acre of ground, no documentation is included to verify the assertion of the applicant. Any operation disturbing more than 1 acre of ground must be submitted to the Delaware County Conservation District (DCCD) for assessment (and permit if necessary).

3. It appears that there are areas of the site that would be classified as "riparian", thus requiring a 50 feet wide riparian buffer pursuant to Section 198-14.D of Township Code Chapter 198, Stormwater Management. The applicant indicates there are no wetlands at the site but has provided no evidence support this assertion. The applicant also indicates that riparian buffer areas will not be disturbed. Section 198-6.B(3) indicates "forest management" operations are exempt from Chapter 198, but only under an approved erosion control plan, and are not exempt from Section 198-14.D (riparian buffer). We are unable to verify that this operation will not impact the required riparian buffer. Further, the erosion control plan must be approved by DCCD for this operation to be eligible for exemption of Chapter 198.

4. Section 186-5.C(7) of Township Code Chapter 186, Soil Erosion and Sedimentation Control indicates "provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development". The proposal as submitted does not appear to conform to this requirement as a significant area of ground cover will be modified from "woods" to meadow/grass, which will result in an increase of runoff both during and after construction. During-construction erosion control information is insufficient (based on the requirements of Township Code) to confirm during-construction runoff will not increase (from the pre-construction condition) or that sediment will not be discharged from this site.

5. The applicant must verify this operation conforms to Pennsylvania Code, Title 25, Chapter 102, as applicable. The submitted form, "Erosion and Sediment Control (E&S) Plan Template for a Timber Harvesting Operation", indicates "this E&S Plan template only applies to timber harvest activities, as defined by 25 Pa. Code Section 102.1, which are not part of a larger development or conservation project".

Conversion

Middletown Township
RE: Soil Erosion & Sedimentation Control Permit
████████████████████████████████
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██████████████
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6.   Is there a restoration or reclamation plan for the harvested areas of the site?

7.   It is unclear whether this operation conforms to Township Code, Chapter 275, Article XXX, Steep Slope Conservation District. Information submitted is not sufficient to verify compliance or applicability.

If you should have any questions regarding the above, please do not hesitate to contact me.

Sincerely,

cc: ██████████████████████

File