

Acre Complaint for East Cocalico Township for timber harvesting.

Sent: Friday, May 29, 2020 12:52 PM
To: Willig, Robert A.
Attachments: Scan_Doc0070.pdf (5 MB) ; Scan_Doc0071.pdf (1 MB)

Dear Mr. Willig,

I am submitting a Acre Complaint for the Township of East Cocalico Township in Lancaster County Pennsylvania.

Attached is the the Timber Harvesting Application permit for the township and the forestry section of the ordinance. The full township code can be found at <https://ecode360.com/10749560>

Also attached is a response from the township to a permit that was applied for timber harvesting within the township.

Below are my issues with the ordinance.

1. On the permit application page 1, the last 4 required information requires information about vehicle license number and weight of vehicles.
This information should not be relevant to a timber harvest operation in the township.
2. On the permit application page 2, it asks for wetland certification. This information is not required per DEP regulations for a timber harvest.
3. On the Zoning Ordinance section
4. On the Zoning Ordinance section A(1)a mentions a forest regeneration plan. This requirement is above and beyond DEP requirements for a timber harvest. A township cannot control the how, where, why or when of a timber harvest. Many forest landowners objectives are different in regards to why they want to harvest their timber.
5. On the Zoning Ordinance section A(1)(c), mentions a forest stewardship plan. A stewardship plan is a voluntary problem for forest landowners and should not be required for a timber harvest ordinance.
6. On the Zoning Ordinance section A(f) mentions compliance with the townships stormwater management ordinance.
Forestry and timber harvesting are not subject to stormwater management regulations. Under chapter 185 of the code of the township of East Cocalico, is specifically states that timber harvesting is exempt from these regulations but it is still mentioned in the Forestry section of this ordinance. This should be removed.
7. On the Zoning Ordinance section A(g) mentions required tree marking for harvesting the timber.
Foresters mark the trees to be removed in different ways. Some harvests are conducted with no marks on the trees. Some harvests are done by marking the trees that will stay. This requirement should be removed and highlights the misunderstanding of forestry and silviculture.
8. On the Zoning Ordinance section A(i)[1].
This section is too broad. E&S plans do not dictate the how, why, when and where of a timber harvest. This section should be removed.
9. On the Zoning Ordinance section A(i)[2].
This section is above and beyond DEP's own regulations for timber harvesting.
10. On the Zoning Ordinance section A(i)[10].
This section requires no cut buffers but starts this section with "Unless superseded by the Erosion and Sedimentation Control Regulations". DEP does not require no cut buffers. I is recommended in certain circumstances but not required. This section should be removed.

11. On the Zoning Ordinance section A(i)[12].

Townships cannot control the how, why, where and when of timber harvest. Some instances it makes sense to leave the tops on the trees while skidding the timber.

12. On the Zoning Ordinance section A(j).

This section is requesting a road bond. Townships cannot require a road bond unless hauling of timber is being done over roads that have a posted weight limit and the weight of the loaded trucks exceeds the posted weight limit. This section should be removed.

Below are my issues with the response letter from the township.

1. #1 requires the approval of the E&S plan by the Lancaster County Conservation District.

This requirement is above and beyond DEP's regulations and should not be required.

2. #10 requires tree replacement and is not part of the timber harvesting ordinance.

This is nowhere in the forestry ordinance and does it state that trees need to be replaced, it also does not state the difference between "Emergency Tree Cutting" vs "Forestry" in regards to the different regulations that they cover.

3. #11 requires no cut buffers and is above DEP's regulations.

This issue was addressed in my complaint about the ordinance section A(i)[10].