

Willig, Robert A.

From: [REDACTED] >
Sent: [REDACTED]
To: ACRE Shared Mailbox; Willig, Robert A.
Subject: [EXTERNAL] Salisbury Twp, Lehigh Co. timber ordinance and fee schedule violate ACRE law
Attachments: ZONING-ORDINANCE Salisbury Twp.pdf; ZONING-ORDINANCE Salisbury Twp.pdf; Salisbury Twp timber fee schedule .pdf

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Dear Sir,

I was asked, by a member of the timber industry, to review the timber harvesting ordinance and submit an "ACRE" complaint if necessary for Salisbury Twp, Lehigh Co.

I request that the Pa Attorney Generals office review the above subject for violation of the Pa ACRE law concerning forestry and timber harvesting. Enclosed are two attachments, the zoning ordinance Part 5 - 516 "Tree Harvesting, Woodland Protection and Cutting of Trees" along with the fee schedule. Ordinance concerns are highlighted.

We feel there are several requirements that are unnecessarily restrictive and therefore not permitted. The permit fee is excessive in general and compared to other permits. Because the ordinance includes "the Zoning Officer SHALL have the plan reviewed by a forester" and possibly DCNR, this fee is built into the permit. Professional review, engineering, and other fees are not permitted. The removal of some of these concerns would necessitate lowering the permit fee. We understand escrow fees are not permitted.

The timber company did reach out to the zoning officer, as I suggested, to review the concerns and to note resolutions other townships implemented pertaining to timber permits. The Officers response was that they intend to enforce as written and they will wait for contract from OAG.

SECTIONS OF CONCERN

8. TREE HARVESTING

A. Forest management plan required- I understand the OAG may permit for this, however, I would disagree finding them restrictive and should not be a requirement for a permit.

Prepared by a forester with a degree from an SAF accredited program. - Although I meet this requirement I respectfully disagree to its requirement. In many areas and circumstances an industry professional with equal and equivalent work experience can provide landowners with quality harvesting recommendations and practices.

It would not be a requirement for other production agriculture to hire crop consultants, agronomists, or written plans.

- B. (1) Clear cutting prohibited. OAG has addressed this along with all below
- (2) This paragraph is too restrictive
- (3) Reforestation. Unnecessary and restrictive

- (4) Harvesting operations
 - a. Interpretation of intent? this would directly restrict timber harvesting
 - b. Requirement to record or require "restrictive covenant " particularly troubling and restrictive
 - d. 10 or more acres require boundary survey. Singling out properties and restrictive. Surveys are costly and many times unnecessary when property owners are knowledgeable with their boundaries. PA law has remedies for timber trespass and should not be the townships responsibility to verify boundaries.
- (5) Tree Harvesting Operations- No complaint, however, this section is a regurgitation of the requirements already contained in the Erosion and Sedimentation Plan required by the State.
- (6) Buffer zones. Restrictive

C. Marking of trees. Restrictive. Many timber stand improvement harvests involve cutting unmarked trees. Especially restrictive and unnecessary is to mark "numerically".

9. TREE CUTTING ENFORCEMENT. This entire section directly restricts and unnecessarily regulates forestry and normal timber harvesting operations by making the whole process un feasible. The threat of arbitrary fines open to interpretation are unacceptable.

Please confirm receipt of this email.

Thank you in advance, and for all your past work regarding timber harvesting regulations.

[REDACTED]

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