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APR 14 2021

PA Office of Attorney General
Consumer Protection-Harrisburg

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
PA Office of Attorney General

ATTN: ACRE

15th Floor, Strawberry Square

Harrisburg, PA 17120

RE: Canton Township, Washington County, Pennsylvania Timber Harvesting Ordinance

Dear Attorney General,

Canton Township currently has a timber harvesting ordinance for timber harvests that exceed 1 acre. The township requires the landowner or operator to submit a logging plan and erosion and sediment control plan to the township for review by the board of supervisors. [REDACTED] would like to submit a complaint that Canton Township's ordinance is in violation of the ACRE Act and the officials of Canton Township have overextended their authority to delay or stop a logging operation. Please review the following incident.

On January 27, 2021 [REDACTED] purchased a 72 acre timber tract located on [REDACTED] [REDACTED] from a Canton Township resident. On January 28, 2021 [REDACTED] submitted a logging plan/erosion and sediment control plan to [REDACTED] Canton Township Zoning Officer. [REDACTED] requested a time frame for the township review of the logging plan. [REDACTED] estimated 7-10 days for the review.

On February 9, 2021 [REDACTED] left a voice mail with [REDACTED] requesting the status of the township's review. [REDACTED] received no response from [REDACTED]

On February 18, 2021 [REDACTED] left a voice mail with [REDACTED] requesting the status of the township's review. [REDACTED] responded to [REDACTED]'s call. [REDACTED] informed [REDACTED] that because of the stream crossings, the erosion and sediment control plan would need to be reviewed by the Washington County Conservation District. [REDACTED] informed [REDACTED] that the logging plan did include two stream crossings that did not require a General Permit 8 because the drainage area for the crossings did not exceed 100 acres. Washington County Conservation District would not be required to review the erosion and sediment control plan moreover, a review by the CCD was not included in the Canton Township Timber Harvest Ordinance. Nevertheless [REDACTED] complied with the township's request.

On February 19, 2021 [REDACTED] submitted the erosion and sediment control plan to Washington County Conservation District. [REDACTED] informed the conservation district of the two stream crossings and would not require a general permit 8 because the drainage area did not exceed 100 acres. The conservation district informed [REDACTED] they were not required to review the erosion and sediment control plan and recommended filing a complaint with the attorney general's office under the

AGRE Act. [REDACTED] asked the conservation district to review the erosion and sediment control plan anyway to comply with [REDACTED] instructions.

On February 23, 2021 Erosion and Sediment Control Technician, [REDACTED] requested additional pages be added to the E&S plan as well as additional erosion control measures at the stream crossings. [REDACTED] informed [REDACTED] that [REDACTED] would comply with the CCD's recommendations. On March 1, 2021 [REDACTED] informed [REDACTED] the E&S plan would be ready and approved on March 3, 2021.

On March 3, 2021 [REDACTED] submitted the approved E&S plan at Canton Township.

On March 8, 2021 [REDACTED] contacted Canton Township to check on the status of the logging permit. Township manager, [REDACTED], informed [REDACTED] the board of supervisors would be holding a meeting on March 11, 2021 to review the E&S plan. [REDACTED] requested the [REDACTED] truck route. [REDACTED] informed [REDACTED] the truck route would consist of [REDACTED] to [REDACTED] to [REDACTED] to [REDACTED] to [REDACTED]. [REDACTED] informed [REDACTED] was posted for 10 Tons and that he had obtained the excess weight permit from Penndot to travel on that road.

On March 12, 2021 [REDACTED] contacted Canton Township to check on the results of the township's meeting. [REDACTED] informed [REDACTED] that the board of supervisors approved the logging permit but still required [REDACTED] to submit a copy of the excess weight agreement from Penndot prior to issuing the permit. [REDACTED] complied. [REDACTED] traveled to Canton Township to pick up the permit and [REDACTED] and [REDACTED] informed [REDACTED] they would not issue the permit without verification from Penndot that the excess weight permit was valid. [REDACTED] provided Canton Township with the contacts at Penndot for the permit. Canton Township attempted to contact [REDACTED] and [REDACTED] to verify the permit without luck. [REDACTED] informed [REDACTED] he would give [REDACTED] the permit but under no circumstances would he allow any logging equipment to be delivered to the site or any logging activity to take place until he received verification from Penndot. [REDACTED] said he would comply. [REDACTED] informed [REDACTED] he would need to read the township permit in [REDACTED] presence to make sure [REDACTED] understood the scope of the permit. [REDACTED] complied. [REDACTED] then informed [REDACTED] if [REDACTED] did anything that deviated from the ordinance, he would shut the logging operation down, fine [REDACTED] and fine the landowner of the property.

This was an expensive, time consuming process for [REDACTED]. [REDACTED] would like to file a complaint with the Office of the Attorney General for the following reasons:

1. The township's requirement of a logging plan and erosion and sediment control plan for their review. The township does not have the background or the authority to review the E&S plan.
2. The township does not have the right to hold up the operation by adding requirements for the permit not listed in the code of ordinances.
3. The township's requirement for the E&S plan's review by the Washington County Conservation District. The review by the CCD is not in the ordinance and is not required by the Commonwealth of Pennsylvania or the CCD.

4. The amount of time it took the township to issue the permit. In the beginning of the process [REDACTED] was informed, the township's review would take 7-10 days. In the end, the review process took 43 days.

5. The township's requirement for evidence of excess weight permit for a state route and following the submission of the permit, verification from Penndot. [REDACTED] is owned and maintained by the Commonwealth of Pennsylvania. Canton Township does not have the authority to stop logging activity because of the use of a permitted state route.

6. The township does not have the authority to impose fines on the operator or landowner for agricultural activities that comply with the Commonwealth's regulations. The township does not have the authority to fine the operator for traveling state routes with permits for weight restrictions.

Please contact [REDACTED] with any questions. Please inform [REDACTED] of the results of the investigation.

Best regards,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]