



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF ATTORNEY GENERAL

MICHELLE A. HENRY
ATTORNEY GENERAL

August 29, 2023

Office of the Attorney General
1251 Waterfront Place
Mezzanine Level
Pittsburgh, PA 15222

Re: ACRE Complaint-Foster Township-Schuylkill County

Dear [REDACTED] and [REDACTED],

On June 5, 2023, we wrote to inform the Foster Township Board of Supervisors that we had received an ACRE request from [REDACTED] wherein he challenged the legality of certain provisions of the Township's timber harvesting ordinances. I have attached a copy of my June 5th letter. By letter dated June 26, 2023, [REDACTED] in his role as Foster Township solicitor, responded that the Township "is willing to consider any recommendations your Office may have with regard to making changes to our ordinance." I also attach a copy of that June 26th letter.

Under the ACRE statute, if a case is not resolved within 120 days after receipt of the ACRE request for review the Office of the Attorney General (OAG) will notify the parties. As of this date, this ACRE case is still pending and not resolved.

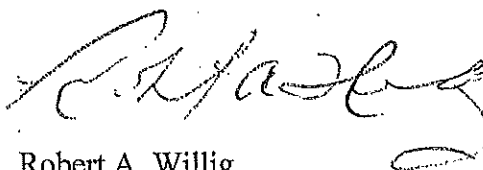
I greatly appreciate Foster Township's willingness to consider the OAG's recommendations to resolve this case. My proposal is for Foster Township to draft and enact a new timber harvesting ordinance based on the Penn State Extension's Model Timber Harvesting Ordinance found on pages 12-15 of the enclosed *Forest Management and Timber Harvesting in Pennsylvania: Information for Citizens and Local Government Officials* publication. Numerous municipalities across the Commonwealth have accepted the OAG's recommendation, enacted the PSU Model Ordinance, and thereby resolved the ACRE cases lodged against them to the OAG's satisfaction.

If a township is willing to enact the PSU Model, this is the process: 1) the township drafts a proposed ordinance based on the PSU Model; 2) the OAG reviews the proposal for legal

sufficiency; 3) if the ordinance is legally sufficient, the township goes through the enactment process pursuant to the requirements of the Municipalities Planning Code; 4) and once enacted, the township provides proof of enactment to the OAG which then closes the ACRE case.

I welcome your comments, questions, concerns, advice, and guidance on my proposal. Again, thank you for being willing to work with the OAG and I look forward to hearing from you.

Sincerely,

A handwritten signature in dark ink, appearing to read 'R. Willig', with a stylized flourish at the end.

Robert A. Willig
Senior Deputy Attorney General