



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF ATTORNEY GENERAL

MICHELLE A. HENRY
ATTORNEY GENERAL

July 18, 2024

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

Kidder Township
ATTN: Board of Supervisors
10 Lake Harmony Road
P.O. Box 576
Lake Harmony, PA 18624

via regular mail and email to [REDACTED]

[REDACTED]
[REDACTED]
via regular mail and email to [REDACTED]

Re: ACRE Complaint-Kidder Township-Carbon County

Dear Board of Supervisors & [REDACTED],

Act 38 of 2005 ("ACRE"), 3 Pa.C.S. §311, *et.seq.*, requires that the Office of Attorney General ("OAG"), upon request of an agricultural owner or operator, review a local government ordinance for compliance with Act 38. The Act authorizes the Office, in its discretion, to file a lawsuit against the local government unit if, upon review, the Office believes that the ordinance unlawfully prohibits or limits a normal agricultural operation.

[REDACTED] filed an ACRE request for review with the OAG. He states that the Township's timber harvesting ordinance needs to be reviewed for ACRE compliance, and he specifically takes issue with the charging of fees for engineering review. A copy of the ACRE request is attached for your review.

The OAG has an ACRE website. Go to the OAG's public website at <https://www.attorneygeneral.gov/>. Click on the "Resources" tab. You will see a link to the "Agricultural Communities and Rural Environment" website. Click on the ACRE link which will take you to the OAG's ACRE Resource Center. Or you can go directly to the Resource Center by following this link. <https://www.attorneygeneral.gov/resources/acre/>. Therein you will see a list of the ACRE cases that have come into this Office along with what we call "Acceptance Letters." If the OAG believes that certain ordinances violate ACRE we draft these Acceptance Letters

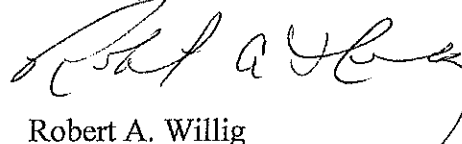
explaining why the ordinances violate ACRE and what the municipality must do to remedy the situation.

The OAG has dealt with many timber cases over the years including one specifically from Kidder Township filed several years ago. Perhaps Kidder Township can review those cases on the website, as well as the specific Kidder Township case, to get a feel for the issues present in timber cases and to see how the OAG has handled these issues in earlier cases. I attach a March 31, 2020 letter that I sent to Kidder Township opining that its timber ordinance had flaws.

The OAG recommends that Kidder Township amend its ordinance and enact the Penn State School of Agriculture's Model Timber Harvesting Ordinance. I attach a Penn State publication for the Township's review – *Forest Management and Timber Harvesting in Pennsylvania – Information for Citizens and Local Government Officials*. This document contains a wealth of information including the Model Ordinance on pages 12-15. I also attach a Word version of the Penn State ordinance for the Township's convenience. Numerous Townships across the Commonwealth have adopted the Penn State Model at the OAG's suggestion. In fact, just three months ago East Taylor Township in Cambria County enacted the Penn State Model. I include a copy of the East Taylor ordinance for Kidder's review.

If Kidder Township can please respond to the ACRE complaint within thirty (30) days of receipt of this letter I would greatly appreciate it.

Sincerely,



Robert A. Willig
Senior Deputy Attorney General