

[REDACTED]

April 14, 2025

Email Address: [REDACTED]

VIA EMAIL ONLY

Robert A. Willig, Esq. [REDACTED]  
Office of the Attorney General  
1251 Waterfront Pl., Mezzanine Level  
Pittsburgh, PA 15222

Re: Upper Tulpehocken Township - ACRE Complaint by [REDACTED]  
[REDACTED]

Dear Attorney Willig:

As you know, my office represents Upper Tulpehocken Township, Berks County, Pennsylvania ("Township"), which received your letter dated March 27, 2025 ("Letter"). The Letter advised that your office received a complaint from [REDACTED] under the Agricultural Communities and Rural Environments Act ("ACRE") concerning the legality of the Township's Timbering Harvesting Ordinance No. 07-2017, Upper Tulpehocken Township Code §460-101, titled "Forestry Regulations" ("Ordinance").

Pursuant to the instructions in the Letter, please allow this correspondence to serve as an official response from the Township that its Ordinance is fully compliant with ACRE. The Township's Ordinance is based upon if not identical to the Penn State School of Agriculture's Model Timber Harvesting Ordinance. All of [REDACTED] questions and/or concerns, which do not implicate the legality of the Ordinance under ACRE (but compliance by the Township with regulations of the Commonwealth of Pennsylvania, Department of Environmental Protection), have been addressed in my email correspondence with him on April 2<sup>nd</sup> and 3<sup>rd</sup>, enclosed herein as part of this official response.

Thank you for your time and attention. It is appreciated.

Very truly yours,

[REDACTED]  
Professional Corporation  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED] nfs

Encl. - Email Correspondence with [REDACTED] from 4/2/25 through 4/3/25

C.c.

[REDACTED] [via Email]  
[REDACTED]

[REDACTED]

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From:

Sent:

Thursday, April 3, 2025 9:31 AM

To:

Cc:

Subject:

RE: Upper Tulpehocken Township - ACRE Complaint: Timber Harvesting

[REDACTED]

Respectfully, you are wrong. Section 102.5(b) of Title 25 In Pennsylvania's Administrative Code explicitly provides that:

A person proposing a timber harvesting or road maintenance activity involving 25 acre or more of earth disturbance shall obtain an E&S Permit under this chapter prior to commencing the earth disturbance activity.

25 Pa.Code 102.5. Moreover, any project disturbing more than 5,000 square feet needs, at least, an E&S Plan. 25 Pa.Code 102.4(b)(2). Hence, the use of my language below, "some proposed logging operations may require ... stormwater management review, approval and controls, as required by and pursuant to the Stormwater Management Act and DEP regulations ... depending upon its scope/size."

Moreover, the tops and slash provisions of the Township's ordinance are consistent with Penn State's model ordinance, which the Pennsylvania Attorney General's Office believes is compliant with ACRE. See <https://extension.psu.edu/forest-management-and-timber-harvesting-in-pennsylvania>.

Regards,

[REDACTED]

[REDACTED]

[REDACTED] Associate Attorney

[REDACTED]

[REDACTED]



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From: [REDACTED]  
Sent: Wednesday, April 2, 2025 10:02 PM  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: RE: Upper Tulpehocken Township - ACRE Complaint: Timber Harvesting

[REDACTED]

When I reviewed this and called the Twp., I did not find any easily accessible info re: the additional fees for the review,,,,, Maybe I missed something, but regardless, I feel there are other issues with the language of the ordinance, and I think it needs modified. Here are the items I found problematic upon a quick review

“(2)

No tree tops or slash shall be left within 25 feet of any public road, or private roadway providing access to adjoining residential property;

(3)

All tree tops or slash shall be between 25 feet and 50 feet from a public roadway, or private roadway providing access to adjoining residential property, or within 50 feet of adjoining residential property, shall be lopped to a maximum height of four feet above the ground; Generally, this may not be a big deal, but a landowner should not be required to do this....sometimes it is better to leave large tops unlopped /lopped to 6' to help provide cover from deer browsing, and plus the issue of private property owner's rights.

C.

Zoning permit. For any forestry activities subject to the requirements of this section, a zoning permit from the Township will be required. Said zoning permit shall not be issued until the applicant has obtained Berks County Conservation District approval for a timber harvesting operation and has presented the approved plan to the Township. “

==Cons Districts do not have the authority to approve or disapprove of a timber harvest...it is private property...and if performed in compliance with Fed and State Laws, Cons Dist has no authority. I think if the twp wants further reviews that they should pay for it.

So, respectfully I think the ordinance needs some language modifications.

Thanks,

[REDACTED]

From: [REDACTED]  
Sent: Wednesday, April 2, 2025 2:00 PM  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: Upper Tulpehocken Township - ACRE Complaint: Timber Harvesting

Hello [REDACTED]

Thank you for taking my phone call this afternoon. As we discussed, the Township's logging ordinance is based upon Penn State's model ordinance.

The Township treats a harvesting permit application like a zoning permit application. The applicant pays an initial filing fee of \$50, and then any fees or costs associated with the review of application and logging plan (by the Township's third-party codes department, Kraft Municipal Group) prior to issuance of the permit by the Township. Typically, Kraft incurs little expense in reviewing these types of applications. For your review, I have attached the Township's current fee schedule, which can be found at [uppermerahockentownship.com](http://uppermerahockentownship.com) under the "documents" tab.

As I also explained, some proposed logging operations may require land development review and approval, as defined by and pursuant to the *Municipalities Planning Code*, and/or stormwater management review, approval and controls, as required by and pursuant to the Stormwater Management Act and DEP regulations, in the event that buildings, other structures/facilities, temporary/permanent roads, etc. will be constructed to accommodate the use and/or depending upon its scope/size.

Please let me know if this information answers your questions. If not, I am happy to schedule a call between us, your client, the Township's manager, and Kraft.

Thank you,

[REDACTED]

[REDACTED]

[REDACTED] | Associate Attorney

[REDACTED]



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