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TOM RIDGE
21ST DISTRICT, PENNSYLVANIA

Congress of the United States
House of Representatives
Washington, DC 20515

DISTRICT OFFICES:
108 FEDERAL OFFICE BLDG.
ERIE, PA 16501
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305 CHESTNUT STREET
MEADVILLE, PA 16335
(814) 724-8414

91 EAST STATE STREET
SHARON, PA 16146
(412) 981-8440

April 30, 1990

Colonel Hugh F. Boyd, III
District Engineer
U.S. Army Corps Of Engineers
Buffalo District
1771 Niagara Street
Buffalo, New York 14207

Dear Colonel Boyd:

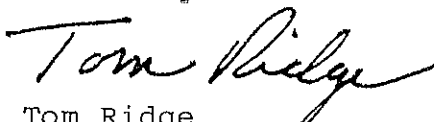
I write with respect to a wetlands matter in Waterford, Pennsylvania. One of my constituents, Mr. Robert Brace, has been engaged in an arduous and costly effort to protect his private property rights for the last three years. Nearly two years ago, representatives of my staff toured the Brace farm with representatives of the Army Corps of Engineers and other federal and state officials to review the property in question. While there has been a great deal of "manuvering" since that time, the dispute has yet to be resolved.

At this juncture, Mr. Brace would like to exercise his right to apply for a 404 permit. Apparently, he has been told by the Corps of Engineers that by virtue of the status of his case, he cannot apply for a permit. If this is in fact the government's position, I would strongly urge you to reconsider and notify Mr. Brace of his right to apply for a 404 permit. In my view, it will not serve any public interest to prevent Mr. Brace from formally applying for a permit to use the land which he legally owns.

As you are aware, within northwestern Pennsylvania and throughout the nation, tremendous frustration is being expressed with respect to the confusing, duplicitious, and costly implementation of the 404 permit program. It is my hope that the Buffalo Region of the Army Corps of Engineers will be noted for its willingness to resolve, rather than perpetuate, wetlands disputes.

With regards to this case, I am concurrently writing to the EPA Regional Administrator, Edwin B. Erickson to request, that they also consent also to Mr. Brace's request to apply for a permit. Thank you in advance for your consideration and I will look forward to your response.

Sincerely,



Tom Ridge
Member of Congress

TR:mh

cc:Mr. Robert Brace ✓
Mr. John D. Ward

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April 30, 1990

Mr. Edwin B. Erickson
Regional Administrator
Environmental Protection
Agency, Region III
841 Chestnut Street
Philadelphia, Pennsylvania 19107

Dear Mr. Erickson:

I write with respect to a wetlands matter in Waterford, Pennsylvania. One of my constituents, Mr. Robert Brace, has been engaged in an arduous and costly effort to protect his private property rights for the last three years. Nearly two years ago, representatives of my staff toured the Brace farm with representatives of the Environmental Protection Agency (EPA) and other state and federal officials to review the property in question. While there has been a great deal of "manuvering" since that time, the dispute has yet to be resolved.

At this juncture, Mr. Brace would like to exercise his right to apply for a 404 permit. Apparently, the EPA is unwilling to allow the Army Corps of Engineers to process a 404 permit due to the status of his case within your agency. If this is in fact the government's position, I would strongly urge you to reconsider and notify Mr. Brace of his right to apply for a 404 permit. In my view, it will not serve any public interest to prevent Mr. Brace from formally applying for a permit to use the land which he legally owns.

As you are aware, throughout the nation tremendous frustration is being expressed with respect to the confusing, duplicitous, and costly implementation of the 404 program. It is my hope that the EPA's Regional Office in Philadelphia will take the lead in the effort to resolve, rather than perpetuate, wetlands disputes in a fair and reasonable manner.

With regards to my request, I am concurrently writing to the Army Corps of Engineer District Engineer in Buffalo, Colonel Hugh Boyd, to request that they consent to Mr. Brace's request to apply for a 404 permit. Thank you in advance for your consideration and I will look forward to your response.

Sincerely,

Tom Rida

February 24, 1995

Honorable Richard Lugar
United States Senate
Washington, D.C. 20510

Dear Senator Lugar:

I have been involved in a legal battle involving the Environmental Protection Agency, U.S. Army Corps of Engineers, and U.S. Fish & Wildlife Service over so-called wetlands on my farm for nearly 8 years. To say it has been a nightmare for my family and I would be an understatement. Because of my ordeal, I have prepared an 18 minute video which describes the circumstances of my case and depicts photographs of the farm itself. I have enclosed a copy of this video for your review, or that of a concerned staff person, along with a recent press release regarding the status of my case. I hope that you may find time to view it, as I feel many other farmers throughout the country may find themselves in the same situation as myself, and the recent decision reversal by the U.S. Court of Appeals signals major problems for American farmers to maintain their agricultural drainage systems.

I have also enclosed a 22 minute video produced by the Farm Credit Association of Texas regarding the effects of environmental regulations on the American farmer and property owner. I believe you will find it extremely informative.

I would also like to acknowledge your support of cutting farm subsidies. I, too, support this and believe that if the American farmer is to survive, it must be on a free market basis.

Sincerely,

Robert Brace
President

rb:rm

August 9, 1995

Honorable Thomas J. Ridge
Governor of Pennsylvania
Room 225 Main Capitol
Harrisburg, PA 17120

Dear Tom:

I write today to express several thoughts and concerns that have been on my mind for quite some time now. I have been watching closely the events taking place within your administration and have been, like so many others, anxiously awaiting your Administration's reform proposal on the issue of wetlands. As I am sure you have not forgotten, my personal experience with the wetland issue over nearly the last 9 years has left my family and I weary and tired and, most of all, disappointed and saddened with a bureaucratic and judicial system more like that of a foreign government than that of a nation which continually boasts of being democratic and the best in all the world.

As I hope you recall, as my congressman I worked often with your office in attempting to solve a wetland problem which, in my mind, should have been resolved in a matter of days, not years, regarding the cleaning of sediment from my farm field ditches. My case took nearly 7 years to reach federal district court and was heard by well respected, and now retired, Judge Glen Mencer. After a four day non-jury trial and Judge Mencer personally viewing my property, I thought perhaps I was finally vindicated and that the years of being constantly harassed by government agencies, lied about by bureaucrats in publications and trying to continue to operate a business under the constant threat of imprisonment and outrageous fines was at least not in vain. I hoped that Judge Mencer's decision would perhaps clarify what Congress had intended when reauthorizing the Clean Water Act back in 1977 and that his decision would help thousands of other farmers throughout our country. As you may recall after being approached about Judge Mencer's decision back in December of 1993, you stated: "No individual should have to endure years of litigation and to prove that his property is his own."

As I am sure you are also aware, the federal government was not content to stop wasting millions of dollars of taxpayers money and appealed Judge Mencer's decision in February of 1994. Nearly one year later, the federal appeals court for the Third District in Philadelphia reversed Judge Mencer's decision, one I might add, that had been based entirely on fact. To say that this was a blow to my family and I after all we had already endured would be an understatement. To think that three appointed judges who had never seen my property could reverse the decision of an elected judge and totally ignore the farming exemption established by Congress was mind boggling. Instead, our system of unelected bureaucrats was again at work, seeking to uphold the policies of appointed individuals and agencies that are more obsessed with dictating and trying to coerce individuals rather than acknowledging private property rights and working with our elected

officials to educate them on a system that is not working. To add insult to injury, I received no response from you as our new governor or your office when the appellate court's decision was handed down this past November. Several journalists who had followed this story and obtained your comments in the past, were seemingly shunned on the subject, as was an organization that I have been a long time member of, the Pennsylvania Landowners' Association. Many individuals were contacting the PLA office inquiring about what your comments were and how you would use this terrible injustice to work with our state legislature to ensure prompt and meaningful reform to an issue you based a good deal of your campaign on and for which you had been such an advocate for reform of while in Congress. Embarrassingly and sadly, our office had to inform members that no response had been received. Long time supporters of your efforts were perplexed and disappointed, as was I.

Yet another injustice are the odds a single individual faces when attempting to appeal his case to the United States Supreme Court. After eight years of going through my wetland ordeal, this was the last hope I had. Yet, as statistics recently published on the Supreme Court term just ended reveal, private party litigants currently have only a 3/4 of 1% chance of having a case heard by the Supreme Court. The Court decided only 82 cases this past term, the fewest in over 40 years. There were 7, 161 petitions for certiorari for those 82 opinions, and of those, the United States government was a party in 25 of the cases. Thus, the chances of being struck by lightning are probably better than being granted certiorari by the Supreme Court.

I have now been ordered back to district court where yet another judge will determine fines and penalties and "restoration" of my precious farmland to "wetland." I simply do not know how much burden our government expects one person to endure. The sad fact is, thousands of other farmers throughout Pennsylvania and across this country face the same nightmare I do. As yet another example of abuse, the banking institution which I worked with for over 30 years and which extended a yearly line of credit for my agricultural operation has now quit doing business with me due to the potential fines and property loss I am now faced with, even though I have been a good and loyal customer and always repaid my debts. As a matter of fact, I owed the bank no money at the time they denied me my line of credit due to my wetland dilemma. Tom, how can the farmers of this Commonwealth and country be expected to risk everything year after year, investing hundreds of thousands of dollars each year into the land for crop production, with government threats, imprisonment, fear from banking institutions to do business with you because of dictatorial coercion, and the loss of private property rights? I recall you stating not so long ago that you couldn't hire anyone "decent" for less than \$80,000 a year. Why should farmers be expected to risk everything for nothing in return, not even the right to own and use their own land? Speaking for thousands of farmers, without incentives such as those inherent with private property rights, individuals cannot and will not continue to waste years of their lives working for a system that is entitled to take everything away.

In summation, I urge you to keep and act upon your campaign promise to bring meaningful wetland reform to the state of Pennsylvania. You and I both know the recent reforms recently proposed by your Administration are a far cry from what needs to be

done to correct the real problems. I hope that I and thousands of other property rights advocates have not mistakenly placed our trust in your abilities to get this job done. Real reform, like that which you co-authored with Representative Jimmy Hayes while serving in Congress, is what needs to be proposed to our state legislature. In fact, the time has now come for even stronger reform such as that recently passed by the U.S. House of Representatives under the Contract for America, H.R. 961. The bottom line being compensation when individual property owners are denied use of their own land. If the Commonwealth can appropriate \$2.9 million for land purchases under Key '93, you and our state legislature can certainly uphold your constitutional oath and find funding for compensation for those individuals who are being made to bear personal burdens in the name of environmental preservation.

Please don't let me and so many others down by prolonging reform to an issue which is long past due to be sincerely addressed. I urge someone in your administration who is knowledgeable on this issue to contact PLA at (814)796-3578 to once again review what grassroots Pennsylvanians know must occur to ensure meaningful wetland reform. And please don't forget the grassroots people who helped to make you our 33rd governor by at least responding when called upon.

Sincerely,

Robert Brace

cc: ?

ROBERT BRACE FARMS, INC.



October 26, 1995

Honorable Thomas J. Ridge
Governor of Pennsylvania
Room 225 Main Capitol
Harrisburg, PA 17120

Dear Tom:

I write today to express several thoughts and concerns that have been on my mind for quite some time now. I have been watching closely the events taking place within your Administration and have been, like so many others, anxiously awaiting your Administration's reform proposal on the issue of wetlands. As I am sure you have not forgotten, my personal experience with the wetland issue over nearly the last 9 years has left my family and me weary and, most of all, disappointed and saddened by a regulatory system more like that of a totalitarian government than that of a nation which continually boasts of being democratic and the best in all the world.

As I hope you recall, when you were my congressman I worked often with your office in attempting to solve our specific wetland problem which, in my mind, should have been resolved in a matter of days, not years, involving the cleaning of sediment from my farm field ditches. My case took nearly 7 years to reach federal district court where it was heard by well respected and now retired, Judge Glen Mencer. After a four day, non-jury trial, with Judge Mencer personally viewing my property, he ruled that my farm was exempt from federal wetland regulation and dismissed the government's case. I thought I was finally vindicated and that the years of being constantly harassed by government agencies, slandered by bureaucrats, lied about in publications, all the while trying to continue to operate a business under the constant threat of imprisonment and outrageous fines, were at an end and that our struggle had not been in vain. I had hoped that Judge Mencer's decision would clarify what Congress had intended when it added the agricultural exemption to the Clean Water Act back in 1977 and that his decision would help thousands of other farmers throughout our country. As you may recall, in commenting on Judge Mencer's decision back in December of 1993, you stated: "Something is terribly wrong when a private citizen has to endure a seven year legal battle and spend thousands of dollars to prove that his property is his own and establish that he didn't do anything to violate a regulation."

Honorable Thomas J. Ridge
Governor of Pennsylvania
October 26, 1995
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As I am sure you are also aware, the federal government was not content to stop wasting the taxpayers' money and drop the matter and Judge Mencer's decision was appealed in February of 1994. Nearly one year later, the United States Court of Appeals for the Third Circuit in Philadelphia reversed Judge Mencer's decision, one I might add, that had been based entirely on fact. To say that this was a blow to my family and me after all we had already endured would be an understatement. It was mindboggling to think that three appointed judges who had never seen my property could, based on a cold record, reverse the decision of the judge who heard the testimony and saw the property and totally ignore the farming exemption established by Congress. Instead, our system failed and favored policies of unelected bureaucrats who seem to be obsessed with power and trying to browbeat citizens rather than helping people and respecting private property rights prevailed.

To add insult to injury, I received no response, not even condolences, from your staff or from you as our new Governor regarding the Third Circuit's devastating decision when it was handed down last November. Several journalists who had followed this story were unable to talk to you about the decision. Many individuals also contacted me, as well as the Pennsylvania Landowners' Association office, inquiring about what your comments were and how you would use this terrible injustice as an example in working with our state legislature to ensure prompt and meaningful reform of wetlands regulation, which you had advocated while in Congress. Embarrassingly and sadly, the PLA office, as well as myself, had to inform individuals that no response had been received. Long time supporters of yours were as perplexed and disappointed as I was.

The Third Circuit's decision had other adverse impacts on my family. The banking institution with which I had worked for over 30 years and which had always extended a yearly line of credit for my agricultural operation cut me off at the last minute and quit doing business with me due to the potential fines and property loss I am now facing, even though I have been a good and loyal customer and always repaid my debts. As a matter of fact, I owed the bank no money at the time they denied me my line of credit.

Nor did we hear from you when the United States Supreme Court turned down my Petition for Certiorari, my last judicial remedy. After eight years of going through this ordeal, this was the last hope I had. I must now return to district court where yet another judge will determine the penalties I have to pay and how we must restore our precious farmland to "wetland."

I simply do not know how much burden our government expects our family to shoulder. The sad fact is, thousands of other farmers throughout Pennsylvania and across this country face the same nightmare I do. Tom, how can the farmers of this

Honorable Thomas J. Ridge
Governor of Pennsylvania
October 26, 1995
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Commonwealth and country be expected to risk everything year after year, investing hundreds of thousands of dollars each year into the land for crop production, facing government abuse and dictatorial coercion, fear that banking institutions will cut us off and ultimately the loss of our family farms?

Why should farmers be expected to risk everything for nothing in return, not even the right to own and use their own land? Speaking for thousands of farmers, without the incentives inherent in private property rights, individuals cannot and will not continue to spend their lives working in a system that in the end takes everything away.

I urge you to keep your campaign promise and bring meaningful wetlands reform to the state of Pennsylvania. You and I both know the recent reforms recently proposed by your Administration are only a first, small step in what needs to be done to correct the real problems. My family and thousands of ordinary citizens have placed their trust in your promises and abilities to get the whole job done. Real reform, like that which you co-authored with Representative Jimmy Hayes while serving in Congress, is needed in Pennsylvania. In fact, the time has now come for even stronger reform such as that recently passed by the U.S. House of Representatives under the Contract with America, H.R. 961. The bottom line is a fair and rational compensation program when individual property owners are denied use of their own land if permits are denied. If the Commonwealth can spend \$2.9 million of Key '93 money for land purchases, your Administration and the General Assembly should be able to find a way to guarantee property owners' constitutionally protected rights to compensation when they are compelled by regulation to bear the cost of conferring a public benefit just because they hold title to a piece of land coveted by someone in government.

Please keep your pledge to me and many others by bringing real reform to Pennsylvania, which is long past due. I urge someone in your Administration who is knowledgeable on this issue to contact Hank Ingram, PLA legislative director at (412)562-1695 to once again review what grassroots Pennsylvanians know must occur to ensure meaningful wetland reform. And please don't forget the grassroots people who helped to make you our 33rd Governor.

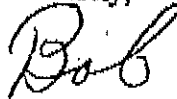
Finally, as a constituent and fellow Erie Countian who is about to lose the use of his family's homestead farm and is subject to horrendous civil penalties, I could use some personal help from you. Could you please ask someone in your Cabinet or on your staff to ask the federal government (EPA, Corps of Engineers, Fish & Wildlife Service) to ease up on my family. The federal government has made its points: its unelected bureaucrats gutted the agricultural exemption granted to farmers by Congress in Section 404 of the Clean Water Act and it can grind down ordinary citizens like myself by appealing any

Honorable Thomas J. Ridge
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Page -4-

adverse decision to remote courts in Philadelphia. It can compel farmers to destroy productive farmland in the name of wetlands protection. Having done all this, it doesn't need to take the last drop of blood from the individual who got caught in regulatory crossfire. Could you intervene and just ask them to take it easy on a fellow Pennsylvanian? I know you probably can't do anything officially but how about, as a person interested in fair play, level playing fields and protecting ordinary citizens from excessive regulation using your bully pulpit and putting in a good word on our behalf?

The Brace family and many other Pennsylvanians could really use your help.
Thank you.

Sincerely,



Robert Brace

RBH/rm

cc: Anne DiTullio

April 26, 1995

Ann DiTullio
5106 Clinton Drive
Erie, PA 16509

Dear Ann:

The enclosed letter was recently forwarded to our office by PLA member, Bob Zimmerman. Perhaps, you will remember Bob as he served, for numerous years, as a legislative assistant to State Senator John Peterson.

The content of the letter is brief and simple, however, very meaningful. Over the last few months, we have received numerous notes, telephone calls and inquiries relevant to Governor Tom Ridge's position and proposed action regarding Mr. Brace's case. Can you please convey these messages and encourage Tom to respond as indicated during our brief conversation at PLA's Annual Membership meeting last week?

For your recollection, I have included an article from the Erie Morning News in which Tom had made several statements supporting Mr. Brace and the U.S. District Court decision of December, 1993. Also, please find enclosed an 18 minute videotape Mr. Brace has produced illustrating his eight year "wetlands nightmare."

Thank you for your consideration in this matter. I look forward to further communication with you relevant to Mr. Brace's case as well as other issues of concern.

Sincerely,

Lorraine Bucklin
Asst. Executive Director

Enclosures

ROBERT BRACE FARMS, INC.



April 3, 1995

Sally Jefferson
U.S. Chamber of Business & Industry
1615 H Street, N.W.
Washington, D.C. 20062-2000

Dear Ms. Jefferson:

Per a conversation this morning with David Porter of Buchanan Ingersoll, P.C., please find enclosed an 18 minute videotape which depicts the circumstances surrounding my father's wetland case, as well as photographs of the farm property itself. As I indicated to David, my father recently submitted comments to the House Transportation and Infrastructure Committee (copy enclosed), along with copies of this video for each member of the committee to view. Ben Grumbles, who I am sure you know works for that committee, was attempting to see that, at the very least, several legislative aides take time to view the tape.

In addition, we have been working through David French of Senator Rick Santorum's Washington office in an attempt to see that the video might be shown to the senator or to members of the Senate Agricultural Committee on which the senator serves. David has stated that they are very familiar with this case and is to keep us posted on the possibility of testifying when Senate hearings are scheduled. You may be interested in talking to David about this.

I hope that you can find a few moments to view the tape, for I feel it tells a compelling story about the injustice of wetland regulations. Thanks for your interest in my father's case and any assistance you can offer. Please don't hesitate to contact David Porter at Buchanan Ingersoll or myself at (814)796-2174 should you have any questions or should we be able to offer any further assistance.

Sincerely,

Rhonda McAtee
Rhonda McAtee

rm
enclosure

cc: David Porter, Esq.
Henry Ingram, Esq.

February 24, 1995

Chairman Don Young
Resources Committee
1324 Longworth
Washington, D.C. 20515-6201

Dear Congressman Young:

I recently read two articles, one in the February edition of *Farm Journal* and the other in this month's edition of *Beef Today*, in which you were quoted in regard to environmental regulations and their impact upon private property rights. The articles also indicated that you were interested in hearing of documented cases where farmers and other landowners had been involved with the federal government regarding the use of their land as related to these regulations.

I have been involved in a legal battle involving the Environmental Protection Agency, U.S. Army Corps of Engineers, and U.S. Fish & Wildlife Service over so-called wetlands on my farm now for nearly 8 years. To say it has been a nightmare for both my family and I would be an understatement. I have enclosed a recent press release regarding the status of my case, as well as an 18 minute video which describes in detail the circumstances surrounding it and depicts photographs of the farm itself. I hope that you or a concerned staff person will find time to view it, for I feel it portrays a picture that many farmers throughout the country may find themselves in as well.

I have also included a 22 minute video produced by the Farm Credit Association of Texas which does an excellent job of describing the types of regulatory victims I believe you may be interested in knowing about.

I finally have a glimmer of hope with the new Congressional leadership that some of these regulations can be remedied and legislation enacted that will truly protect the rights of the American property owner. I have served as vice-president for the Pennsylvania Landowners' Association for several years now and am aware through previous dealings with your office and constituents of your state that you are a true advocate of private property rights. Landowners are in your debt and would like to thank you for your continuing efforts.

Sincerely,

Robert Brace
President

rb:rm

DON YOUNG, ALASKA, CHAIRMAN
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 JIM SAXTON, NEW JERSEY
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U.S. House of Representatives
Committee on Resources
 Washington, DC 20515

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 ROBERT A. UNDERWOOD, GUAM
 SAM FARR, CALIFORNIA

April 28, 1995

Mr. Robert Brace
 Robert Brace Farms
 1131 Route 97
 P.O. Box 328
 Waterford, PA 16441

DANIEL VAL KISH
 CHIEF OF STAFF
 DAVID G. DYE
 CHIEF COUNSEL
 JOHN LAWRENCE
 DEMOCRATIC STAFF DIRECTOR

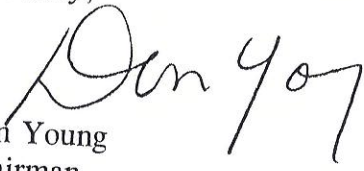
Dear Mr. Brace,

Thank you for taking the time to write and tell me about your experiences with wetlands regulation. As you may know, our task force on Wetlands has held field hearings to hear first hand about the experiences of others with federal wetlands programs. Those hearings, along with letters like yours that detail experiences with federal wetlands programs, will enable us to fashion changes in the law that can help you.

You may be interested in knowing that the U.S. House Transportation and Infrastructure Committee ordered reported a comprehensive Clean Water Act reauthorization bill that includes wetlands reform.

Again, thanks for your letter.

Sincerely,


 Don Young
 Chairman
 Committee on Resources