

July 13, 1996

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

Dear Tom:

I am writing in regard to your letter of April 4, 1996, which in turn responded to my initial letter of October 26, 1995.

In my letter I recapped for you my long battle (nearly 10 years now) with federal and state agencies overseeing wetland enforcement. I expressed my concerns regarding unfair and confiscatory wetland regulations and asked you not to forget your promises to me and thousands of other Pennsylvanians to bring comprehensive reform on the matter to the state of Pennsylvania. Thousands of individuals, including myself, expected reforms like those you advocated while in Congress, specifically those proposed in H.R. 1330.

In your response back to me, I was disheartened to see that you referenced new wetland policies outlined by Secretary Seif on January 17, 1996, before the House Committee on Environmental Resources and Energy. His remarks, assumingly on your behalf differed greatly from your views prior to taking office, especially regarding compensation when an individual landowner has been denied use of his property when government bureaucrats label it a wetland. In enclose a copy of the May 1996 Issue of Pennsylvania Landowner (page 10 & 11) which demonstrates my cause for concern.

Additionally, while the adoption of the 1987 Corps definition manual may provide uniformity (which is desirable), what about the problems raised when the uniformity is uniformly bad? I also do not view requiring property owners to fork out up to \$7,300 in already established subdivisions where wetlands exist and the Department's replacement fund for mitigation requiring even more money to be dished out by the landowner as major steps forward in wetland reform. While I realize you view these as a small step forward, property owners continue to suffer, often sacrificing their livelihoods and dreams, because no significant reforms like those which you seemingly worked so hard for in Congress are occurring. Legislative reforms, not changes in bureaucratic policy, are what you promised and what's needed to restore balance to this regulatory quagmire.

I'm aware that the Wetland Protection Advisory Committee was established to help guide the Department regarding the development of new regulations and was pleased to see the Hank Ingram, Legislative Director for the Pennsylvania Landowners' association, was appointed to the committee. However, I am just as frustrated to see yet another committee established once again to "guide" the Department of establishing new regulations when this issue has been debated for years now and the objectives of various groups are already well-known (or should be... if they aren't the regulators and our elected officials haven't been paying attention and thus not doing their jobs). Legislative reform, no

changes in bureaucratic policy, is what is actually needed. This can happen with the support of your Administration.

In your letter you stated you hoped that my family and I would be able to put our wetland nightmare behind us. We would love nothing more. Unfortunately, the regulators continue to make the impossible. I am currently in the process of soliciting bids from contractors to fill in drainage ditches, cut off agricultural tile lines and install rip-rap to act as beaver dams to flood my farm fields in order to comply with government orders. I must also pay a \$10,000 fine for doing nothing more than what Congress and our state agencies told farmers they could do. Now, I will be forced into the lengthy and expensive legal system once again to pursue a taking of property by our government; another reason why legislative reform and clarification on this issue is needed.

I have often heard you say in regard to our environment that we must ensure that the land, water and air which we borrow from our children is preserved for them and their children and their children's children. I agree for the most part; except that I would suggest conserving it over preserving it. I also believe that another goal is as equally important as conserving our natural resources... protecting all of our children's constitutional rights, including the Fifth Amendment. Without this constitutional protection, which provides for the right to own, use, and enjoy property, our children may never be allowed to experience the pride in owning and caring for land, or be allowed to contribute to our country's economic base by providing food, fiber and other essentials needed by their fellow citizens. As I've stated before, individuals will not continue to risk everything and work hard for a government that can take their land, through regulation, without paying for it.

I ask you once again to follow through with your promises to the thousands of landowners like myself and work diligently with our state legislature in ensuring that meaningful wetland legislation, not just changes in bureaucratic policy, is passed.

Sincerely,

Robert Brace