

UNIFIED SPORTSMEN of PENNSYLVANIA



TESTIMONY
of
UNIFIED SPORTSMEN OF PENNSYLVANIA

ON

WETLANDS

AUGUST 25, 1995

POCONO MANOR, PA.

TESTIMONY ON HB 200 WETLANDS BILL

GOOD MORNING. MY NAME IS CHARLES BOLGIANO AND I REPRESENT THE 80,000 MEMBERS OF THE UNIFIED SPORTSMEN OF PENNSYLVANIA. IT IS A PLEASURE TO BE HERE TODAY TO ADDRESS THE ISSUE OF PENNSYLVANIA WETLANDS.

FOR YEARS THE UNIFIED SPORTSMEN OF PENNSYLVANIA HAS FACED IMPORTANT ENVIRONMENTAL CONSIDERATIONS AT BOTH THE NATIONAL AND STATE LEVELS. WE ARE NO NEWCOMERS TO THE WETLANDS SCENE HAVING GIVEN TESTIMONY ALMOST FOUR YEARS AGO ON SENATOR MADIGAN'S WETLANDS LEGISLATION. A FEW YEARS AGO WE TURNED THUMBS DOWN ON THE BROUJOS ACID RAIN BILL AND THE PENNSYLVANIA LEGISLATURE CONCURRED WITH OUR POSITION. WE HAVE WORKED DILIGENTLY FOR A PROPERTY RIGHTS BILL BOTH IN WASHINGTON AND PENNSYLVANIA. CURRENTLY WE ARE ENGAGED IN PROVIDING SUPPORT FOR COMMON SENSE AMENDMENTS TO THE ENDANGERED SPECIES ACT. AS SUCH WE ARE ACCUSED BY OPPONENTS OF REPRESENTING BIG BUSINESS INTERESTS. THERE IS NO TRUTH TO THAT ACCUSATION AS WE TAKE COMFORT IN SUPPORTING COMMON SENSE LEGISLATION THAT PROMOTES NOT ONLY WHAT'S RIGHT, BUT ALSO WHAT'S IN THE BEST INTEREST OF THE NATION AND PENNSYLVANIA. IT IS OUR SINCERE HOPE THAT THE LEGISLATURE WILL FINALLY ADOPT COMMON SENSE WETLANDS LEGISLATION AFTER MANY YEARS OF HESITATION AND PONDERING WHAT TO DO.

ON WETLANDS AND PROPERTY RIGHTS WE WITNESS GRAVE INJUSTICES PROMOTED THROUGH THE FEDERAL REGULATORY SYSTEM AND SOME STATE AGENCIES GO TOO FAR WITH UNNECESSARY RESTRICTIONS. THE REGULATIONS GO FAR BEYOND THE SCOPE OF REASONABLE PROTECTION. DESPITE THE CONSTITUTIONAL DUTY OF GOVERNMENT TO PROTECT PROPERTY OWNERS RIGHTS, THESE RIGHTS ARE UNDER INTENSE ASSAULT. THE CULPRIT; THE GOVERNMENT ITSELF. WETLANDS RESTRICTIONS ARE CURRENTLY A HORRENDOUS POLICY ATTACKING LAND USE AND PROPERTY OWNERSHIP RIGHTS.

AS SPORTSMEN AND CONSERVATIONISTS YOU MIGHT THINK THAT WE SHOULD BE FOCUSED ON SPORTSMENS ISSUES. WELL, WE ARE AS WETLANDS ARE OF CONCERN AS ENVIRONMENTALLY IMPORTANT LAND ON WHICH WE HAVE HUNTED FOR GENERATIONS. VALUABLE WETLANDS MUST BE PROTECTED FOR REASONS THAT HAVE BEEN MADE OBVIOUS, HOWEVER NOT ALL WETLANDS ARE EQUALLY VALUABLE. WHEN YOU ARE REMINDED BY PRESERVATIONISTS AND ENVIRONMENTALISTS THAT OUR 400,000 ACRES OF PENNSYLVANIA WETLANDS ARE ONE OF THE MOST IMPORTANT HABITATS FOR PENNSYLVANIA VERTEBRATE AND VASCULAR PLANT SPECIES YOU ARE HEARING REMARKS THAT ARE ONLY PARTLY TRUE. IN OTHER WORDS THEY ARE TELLING YOU ONLY WHAT THEY WANT YOU TO HEAR WITHOUT PROVIDING SCIENTIFIC SUPPORT. I CAN TELL YOU THAT SPORTSMEN DO NOT FIND ANY MORE ABUNDANT WILDLIFE SPECIES ON CLASS C WETLANDS THAN THEY FIND ON MOST OTHER FARMLANDS. TO CLAIM AN ABUNDANCE OF WILDLIFE AND PERHAPS SOME THREATENED OR ENDANGERED SPECIES DO INHABIT CLASS A AND CLASS B WETLANDS IS TRUE AND WE BELIEVE THAT THESE WETLANDS SHOULD BE THE PRIME TARGETS FOR PROTECTION AS VALUABLE ECOLOGICAL AREAS UNDER WETLANDS REGULATIONS.

IN DRAWING THIS OBSERVATION AND CONCLUSION, THE UNIFIED SPORTSMEN HAVE NOT WITNESSED ANY DISPARITY IN POPULATIONS OF EITHER BIRDS OR ANIMALS ON CLASS C WETLANDS COMPARED TO FARMLANDS IN GENERAL. WE DO NOT DISCOUNT THE POSSIBILITY THAT SOME SOIL TYPES MAY BE MORE FAVORABLE TO SOME INSECT AND SNAIL SPECIES, HOWEVER, THAT DISPARITY WOULD EXIST ON ALL FARMLANDS WHETHER THEY BE CLASSIFIED CLASS C TYPE OR NOT. WHEN WE THINK OF WETLANDS WE USUALLY THINK IN TERMS OF SWAMPS, MARSHES, BOGS, FENS AND SEEPS.....ALL OF WHICH PERFORM VALUABLE FUNCTIONS THAT ARE RECOGNIZED AND DELINEATED. TO CAST CLASS C. WETLANDS AS NON-ESSENTIAL TO THE FUNCTIONS AND EXPECTATIONS OF ALL WETLANDS IN GENERAL, JUST MAKES GOOD COMMON SENSE.

AS WITH ALL LANDS, GOOD STEWARDSHIP IS AN ESSENTIAL ELEMENT FOR USE OF LAND IN GENERAL, WHETHER IT BE FORESTS, BARRENS, FARMLANDS, MEADOWS OR WHATEVER. POOR STEWARDSHIP OF LANDS CAN BE A DEFINITE

THREAT TO AQUATIC COMMUNITIES AND WETLANDS, ESPECIALLY WITHIN THE SAME WATERSHED. TO INSURE THAT OUR WATERS REMAIN CLEAN, POLLUTION AND NUTRIENT ENRICHMENT FROM PESTICIDES, SEWAGE DISPOSAL, RUNOFF FROM AGRICULTURAL FIELDS AND ACID MINE DRAINAGE CAN BE HELD WITHIN LIMITS BY GUIDELINES THAT ARE ALREADY IN PLACE. VIGILANCE ^MIS ENFORCEMENT OF POLLUTION LAWS IS NECESSARY.

YOU WILL MOST LIKELY HEAR, IF YOU HAVEN'T ALREADY HEARD, THAT LACK OF FULL SCIENTIFIC CERTAINTY SHOULD NOT BE USED AS A REASON FOR DILUTING WETLANDS REGULATIONS. TO THE ENVIRONMENTAL COMMUNITY, SCIENCE IS NOT ALWAYS WELCOME IN DETERMINING WHAT MIGHT BE OR MIGHT NOT BE ENVIRONMENTALLY IMPORTANT WETLANDS. ACCORDING TO THE ENVIRONMENTAL COMMUNITY HUMAN EXISTENCE HAS NO MORE JUDICIAL RIGHTS THAN ANY LESSER SPECIES. FURTHERMORE, ACCORDING TO THE PROPONENTS OF PRESERVATIONISM, THE CHIEF FORCES THREATENING THE EARTH IS TECHNOLOGY. AS A SCIENTIST, I FIND THE LOGIC OF THE ENVIRONMENTAL COMMUNITY TO BE EXASPERATING. IN OUR OPINION THERE IS VERY LITTLE RISK INVOLVED IN ASSERTING THAT CLASS C WETLANDS SHOULD BE REFORMED ACCORDING TO HB 200. SCIENCE IS ON THE SIDE OF MAKING THIS DECISION EASY, AND SO IS JUSTICE TO THE LANDOWNER.

JUST LISTEN TO WHAT THE CLEAN WATER COMMITTEE OF THE NATIONAL ACADEMY OF SCIENCE HAD TO SAY ABOUT WETLANDS WHEN THEY SUBMITTED A REPORT TO CONGRESS LAST MAY. THEY SAID, "THERE IS NO PRECISE, GENERAL RELATIONSHIP BETWEEN WETLAND FUNCTIONS AND THE VALUE OF WETLANDS TO SOCIETY." THEN THE COMMITTEE ADDED THAT ANY DEFINITION OF WETLANDS WILL NOT BE "PRECISE IN ITS ABILITY TO DISTINGUISH WETLANDS FROM ALL OTHER KINDS OF ECOSYSTEMS....JUDGEMENT AND CONVENTION WILL CONTINUE TO PLAY A ROLL..." AND IT ADDS, "THE DEVELOPMENT OF INDICATORS IS AN ENDLESS PROCESS OF REFINEMENT THAT IS FACILITATED BY RESEARCH ON WETLANDS." WHILE COMMON SENSE SAYS THAT WETLANDS OUGHT TO BE WET, THE ENVIRONMENTAL COMMUNITY HAS CONVINCED FEDERAL REGULATORS THAT THIS IS NOT NECESSARILY SO...THEY MAKE IT A MATTER OF DEGREE AND THE FEDS BOUGHT THAT LINE, HOOK, LINE AND SINKER MUCH TO THE DISMAY OF PROPERTY OWNERS.

WETLANDS CAN PERFORM VALUABLE SERVICES, SUCH AS SUSTAINING SOME WILDLIFE OR PURIFYING WATER. YET THE JUSTIFICATION FOR PROTECTING THEM REMAINS MORE AESTHETIC THAN SCIENTIFIC. NEVERTHELESS, HOWEVER SUBJECTIVE YOUR DESIRE TO PROTECT WETLANDS MAY BE, THE EFFORT BY GOVERNMENT HAS CREATED LEGAL QUICKSAND FOR MANY OTHERWISE LAW-ABIDING CITIZENS. SOME LANDOWNERS HAVE GONE TO JAIL FOR INADVERTENTLY MOLESTING SO-CALLED WETLANDS. COUNTLESS OTHERS HAVE SUFFERED FINANCIAL HARDSHIP BY BEING FORCED TO FIGHT LONG COURT BATTLES, INCUR HUGH^e FINES OR WATCH THE VALUE OF THEIR PROPERTIES PLUMMET AFTER BEING DECLARED WETLANDS. THE SOURCE OF THESE INJUSTICES ARE THE STANDARDS THEMSELVES.

THE LAW SHOULD BE WRITTEN IN A SIMPLE, CONSISTENT, CONCISE AND CLEAR MANNER SO THAT ALL LANDOWNERS CAN UNDERSTAND WITHOUT HAVING TO RESORT TO AERIAL PHOTOGRAPHY, SATELLITE IMAGING AND COMPUTER MODELING. WE URGE YOU TO PROCEED BY APPLYING THE PRINCIPLES OF JUSTICE RATHER THAN COMMIT YOURSELVES TO AN ENDLESS PROCESS OF MORE REFINEMENT AND DEFINITION. THIS BILL MUST GO FORWARD TO THE GOVERNOR'S OFFICE. PLEASE DON'T TAKE TWO MORE YEARS FOR DELIBERATION.

FINALLY, THOUGH FAR FROM PERFECT, OUR SOCIETY IS THE FINEST IN HISTORY, AND OUR ENVIRONMENT IS VERY, VERY CLEAN AND IMPROVING. OUR SOCIETY IS AWAKENING TO THE PERILS THAT CONFRONT IT IN AMERICA, AND PEOPLE WILL DEFEND THE RIGHTS THEY DEEM TO BE PRICELESS, NAMELY FREE ENTERPRISE, PRIVATE PROPERTY AND PERSONAL FREEDOM.

THANK YOU VERY MUCH FOR THIS OCCASION TO SPEAK TO YOU TODAY.

SINCERELY,
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