

August 29, 1995

Good morning. My name is Eric Thomas. I'm here today as a concerned citizen and small business owner. My brother started Thomas Construction some 18 years ago and we now employ 20 people. We have no backing from any large corporations or other organizations. We don't have a hidden agenda. We do have not only our own families to support but, we feel the families of our employees are our responsibility as well. Supporting a family, providing jobs, running an honest business are things that no matter what happens we can be proud of. As a young man I remember my fellow Boy Scouts and I planting more trees than we could count and working on conservation projects not only in our community but, at the Philmont Scout Ranch in Cimmaron, New Mexico. We have always respected the land and now look to it to make a living. When people talk to me about the issue of wetlands it is very difficult to explain because, if you haven't felt the force at of a Government Agency breathing down your neck you have a hard time comprehending it.

To make a very long story short, on April 15, 1991 one of DER's biologists walked onto Phase III of a planned residential community that we already had all the necessary permits to develop and declared it a wetland and un-buildable. The roadway was already installed along with the utilities and 2 new homes were over 50 percent complete in a plan of 21 building lots. In phase one and two 17 other families had already invested their money and were living

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in homes we had built. In one short afternoon one bureaucrat in one agency from my home state changed my life and at that moment I made a vow that if DER was going to put my head in a vice I was going to scream until somebody listened. Thanks for listening.

In preparation for appearing before you today, I reviewed some comments I made before the House Minority Conservation & Appropriation Committees Joint task force concerning Environmental Affairs in Franklin on August 13, 1992. At that time I was invited to speak to your colleagues because frankly, I think they were tired of reading my letters.

Three key points we talked about at that time were:

- 1) "DER must be brought back under control they have been given too much power." As I mentioned, how can one biologist have so much power.
- 2) "The permitting process is too cumbersome." When we started to investigate how to apply for a wetlands permit my first thought was to call Harrisburg. I spoke with a gentleman at DER who informed me that I had to hire a "wetlands consultant" to fill out the paperwork. When I asked for a list of state certified consultants that I could contact and hire, he said there were none. So I asked what the qualifications were to be a consultant. He said someone with a background in biology. I can remember dissecting frogs in seventh grade so I guess I qualified. He obviously didn't appreciate that remark and we ended the conversation. I couldn't believe that

in a state where you have to have a license to cut someone's hair that you need no qualifications to be a "wetland consultant".

3) "Use common sense in adopting legislation." That phrase "common sense" has been used a great deal recently and especially when dealing with environmental problems. I think we have lost sight of the simple life. In this day and age of "we don't get paid unless we get money for you" lawsuit happy society we have forgotten the meaning of personal responsibility and therefore the government feels they must regulate our every move. By doing so, common sense gets lost in the process. When you go back to serve in Harrisburg, along with your briefcase, please don't forget the intelligence and common sense God gave you.

Some of the things we talked about at those hearings at that time are happening but, we need to continue to work to protect the environment as well as the rights of property owners.

I didn't know it at the time but, many other people were being trampled on by the power of DER and they were screaming too. The good news is the voters in 1994 were listening. Tom Ridge listened and has taken some steps to live up to a campaign promise to bring DER back under control. Howard Fargo listened and has introduced legislation that represents a common sense approach to the problem of managing our natural resources without taking advantage of property owners. I know Mr. Fargo has worked very hard to find a

way to satisfy both sides of this very controversial and emotional issue. As a property owner I'm not thrilled about the prospect of having to pay a fee to use my property but, as a developer, I recognize that compromise is necessary. I know that one of Mr. Fargo's goals is to settle this wetland issue through legislation and not regulation. I couldn't agree with him more. The voter's have no input on who the bureaucrats are but, they do have the final word on who sits in your chair and therefore it is up to you to make sure that no one person or one agency gets drunk with power.

I hope the Governor continues to work with the two new Departments previously known as DER to allow them to better serve the people of this state. The key to that sentence, that I think they sometimes forget, is "service". They have been hired to serve the taxpayers of this state. I want them to have the power to intervene when someone is pumping diesel fuel into Lake Erie but, they also have to be sensitive to the rights of property owners as guaranteed by the Constitution.

Even though we have been pushed to the brink we have survived and we will continue to share our thoughts and ideas with you in an effort to find a solution.

Another specific story I would like to share with you involves the Grove City Factory Shops. As I said before I am not here to speak on their behalf but, rather to make an observation so that you can

understand the lack of common sense being used in the Department of Environmental Protection.

The Mercer County regional planning commission was given a state grant to identify potential growth areas in Mercer County. A number of areas were pinpointed, one in particular was the intersection of Interstate route 79 and state route 208 near Grove City. No utilities were available at the intersection at the time but, due to the proximity of easy transportation the planners knew development would happen there. Now their forecasts are starting to come true. For those of you who don't know the area I have enclosed a sketch of the interchange. In 1993 the Prime Group bought property at the south west corner of the intersection and began to invest 40 million dollars in Springfield township, Mercer county. Over 3.5 million of that money was spent on infrastructure that was needed at the site. The sanitary sewer system was extended over 3 miles from Grove City to the location and a small antiquated water system of a nearby community was updated and expanded to service the new growth. Stealing a line from the "Field of Dreams" "if you build it they will come". Not only have shoppers filled the parking lots but, other businesses are starting to locate near the new shops to take advantage of the traffic that has been generated. The taxes generated by the open field where the new mall now sits was about \$ 350.00 per year. Upon completion of the project and at the end of the abatement the school district will realize \$ 600,000.00 per

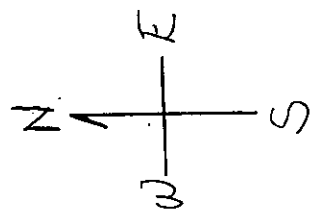
year. Not including any other development that occurs at the intersection. That figure also does not include wage taxes or the boost to the economy from the additional visitors to the area. Many people worked very hard including state, county and local lawmakers to make this project a reality. Many people involved commented how teamwork was the key to getting the job done. It was also noted how cooperative DER was to work with to obtain the necessary wetlands permits. Penn-Dot has conducted a traffic flow study and is considering adding another bridge over the interstate to handle the traffic. I think in from a visitors viewpoint the development happening at the intersection is a very positive experience. The new mall has just celebrated it's first anniversary and we have had some time to take a look at the situation. To be more specific about the site please again refer to the sketch. Wetlands on the site caused the developer to downsize the number of stores to make less of an impact on the wetlands. They also had to spend over 1 million dollars to mitigate wetlands on the East side of I- 79. What was once prime land for development as designated by the planning commission is now wetlands that are supposed to attract deer and other wildlife next to an interstate highway. Don't we have a big problem in this state with keeping deer off of the roads? I am very aware of the value of wetlands however, the wetlands on the site and the new ones created are not considered exceptional

value. No endangered species live in those wetlands on the mall property. Nor do those wetlands control flood waters. I don't think that the value of the human being is taken into consideration when DER makes it's decisions. In this specific case by allowing the developer to increase the number of stores he would create more jobs and taxes for the community. By having an arrangement for the developer to pay a fee instead of mitigate the wetlands, more land would be available in a prime area that is currently served by utilities; again creating more jobs and taxes in an area that makes sense. The fee collected by the state would pay to expand valuable wetlands in any one of a number of already state owned parks or gamelands.

It would be a win for the local municipality, it would be a win for the state, it would be a win for the environmentalists and it would be a win for the developer and a big win for this state.

In conclusion,

I ask that you continue to listen to all sides of the issue. It is much better to debate an issue without settling it, than it is to settle it without debating it. I thank-you for your time and attention.



RR & BOB GRAVE CITY

CUTLANDS  
MITIGATION

I-79

G. C.  
FACTORY  
SHOPS