

---

## WETLANDS TESTIMONY

---

Thank you for the opportunity to address this committee and provide comment on this very important issue. My name is Scott Sesler. I am a third generation builder and developer from Erie, Pennsylvania. My firm, incorporated over thirty-five years, is primarily involved in light commercial and residential construction.

How Pennsylvania treats Wetlands and Wetland property owners has been a problem since, at least, 1987. Unfortunately, the Pennsylvania General Assembly has, to date, not passed any Wetlands legislation that would put into statute what a "Wetland" is and what the Wetland property owner can or should do about it.

The General Assembly has left Wetlands control to the bureaucrats who have succeeded, since 1987, in causing much grief and aggravation to property owner across the state, many of them here in Northwestern Pennsylvania. Lack of consistency in interpretation and procedures has rendered any dealings in potential "wetland" areas futile or extremely costly.

We have, in Pennsylvania, Wetlands regulations based upon a one time mention of the word "Wetland" in the definition of a *body of water*, contained in the Dam Safety and Encroachments Act. This brief mention has enabled the Department of Environmental Resources (now known as the Department of

Environmental Protection (DEP)) to craft a package of Wetlands regulations which far exceed Federal requirements and most other state's requirements.

Governor Ridge, in many speeches last year, as well as this year, has stated that Pennsylvania should not exceed federal requirements on environmental issues. The DEP's Secretary, James Seif, has echoed the Governor's statements repeatedly this year.

I am aware that the new DEP has proposed changes to their Wetlands programs which will bring *some* relief to property owners. This departmental effort is a welcomed step in the right direction; however, the department needs to go farther.

The DEP's proposal to create a Wetlands Replacement Fund is much too limited in scope. As written the fund can only be used for those projects impacting half an acre or less of wetlands. The DEP needs to implement a broader, more flexible program to encompass the use of wetlands mitigation banking for any unavoidable wetlands mitigation issues that arise.

The use of wetlands mitigation banking is an essential part of any credible wetlands policy, as it ensures that more functional wetlands are created. The Federal Government and many other states are considering this approach.

The DEP has also proposed a new general permit for private residential construction in wetlands, and while I support this concept, the efficient permit processing and predictability in the

proposal are restricted by the limitations placed on the use of the general permit. Although the Pennsylvania general permit is modeled after a federal permit, it is, to no one's surprise, more stringent than the federal permit. The federal permit does not require mitigation or compensation.

Although the DEP's efforts are applauded and should be encouraged, the issue of Wetlands demands statutory attention, and has for many years. It is important to note that, even if the department today, was proposing and/or implementing Wetlands program changes that would mirror federal law, this would not negate the need for this committee to act and for the Pennsylvania General Assembly to provide statutory relief.

Pennsylvanians need and deserve a Wetlands statute which defines Wetlands by their environmental value -- as is being done in most other states. Statutory direction which states when property owners can and when they cannot develop their land and which gives clear direction to the courts as to when compensation is due for loss of land usage.

House Bill 200 encompasses these critical provisions. I support the passage of HB 220, and thank Representative Fargo for sponsoring this much-needed legislation.

I urge the House Environmental Resources Committee to move this bill out of committee and to the full House at the earliest possible opportunity.

I would be pleased to answer any questions you may have.