

## Debate Mired: Preserve Wetlands Or Rights Of Property Owners?

The first part of this article on wetlands appeared in last week's issue.

**LOU ANN GOOD**

**Lancaster Farming Staff**  
**QUARRYVILLE** (Lancaster Co.) — Grant Troop echoes the sentiments of many farmers when he said, "It seems like a real lack of coordination and cooperation among DER, the Corps, and farmers."

The frustration of paperwork, phone calls not returned, and conflicting advice given among the agencies that issue permits to those who want to make changes to their property, has caused landowners to petition the government to make changes in the regulatory program.

The two main regulatory agencies are the Department of Environmental Resources and the U.S. Army Corps of Engineers. The Corps got involved in regulating farmland gradually. At first, the federal government authorized the Corps to regulate only public waterways. The prime focus was to protect navigation and the navigable capacity of the nation's waters. In 1968, permit applications received a "Public Interest Review" to include a consideration of fish and wildlife values, conservation, pollution, and ecology factors.

In 1972, the Federal Water Pollution Control Act also known as the Clean Water Act gave the federal government control over inland wetlands. It established a permit program to be administered by the Corps. The Corps would regulate the dredge and fill activi-

ties in the waters of the U.S. Initially, the Corps interpreted its jurisdiction to include only navigable waters, but in 1975, environmental groups challenged this position. A resulting court decision redefined navigable waters to include wetlands. Regulations to administer a wetlands permit program were published in 1977.

According to Roger Fickes, who is chief of the division of rivers and wetlands conservation of the DER, the agency received jurisdiction of wetlands through the Dam Encroachment Act of 1978.

To get an application to conduct activity in wetlands, a joint permit application must be completed in triplicate. Applications should be submitted to DER who sends copies to Corps, the Fish Commission, and retains one for their own use.

The Corps jurisdiction only covers dredge and fill activities, while DER covers any activity in a wetlands area. The Corps, EPA, DER, U.S. Fish and Wildlife Service, PA Game Commission, PA Fish Commission and eight DER bureaus may review a permit application.

The average time it takes to



**Grant Troop of Quarryville stands in front of wetlands that he was allowed to partially convert to farm land. Troop said that attaining permits is a slow, frustrating process. He advises farmers to start on the paperwork for wetlands long before they intend to begin the work on it.**

receive a permit is nine months to two years.

Grant Troop crop farms three small farms of about 100 acres in

the Nickel Mines area of Lancaster County. He majored in agronomy major at Penn State and had worked with the Lancaster County Conservation District and as a part-time farmer for two years before becoming a fulltime farmer and a substitute ag and science teacher for the county.

On the one farm, he had a few acres of land that had previously been drained and converted to crop land. Over the years, the drainage tile shifted and was crushed and failing.

Troop said, "In dry weather, the corn crop did great, but otherwise the area was often too wet to get much of crop."

He had to plan tillage, spraying, and harvesting around the moisture level in field, which often meant doing things late in the season.

In the fall of 1989, Troop decided to refurbish the tile system. The Soil Conservation Service had completed plans that did not designate and wetlands on his property other than a pond.

When Troop checked into the necessary steps to refurbish the tile, he was astonished. He said, "At that time, I learned startling details of when you can or cannot drain, the process of contacting

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*"Sometimes I scratch my head. I went through all the details and tried to do everything the way it was supposed to be done, and then I look around the area and see a backhoe tearing things apart without permits or consideration to anything and nothing every comes of it. Is it really necessary to go through all the paperwork for a few acres?"*

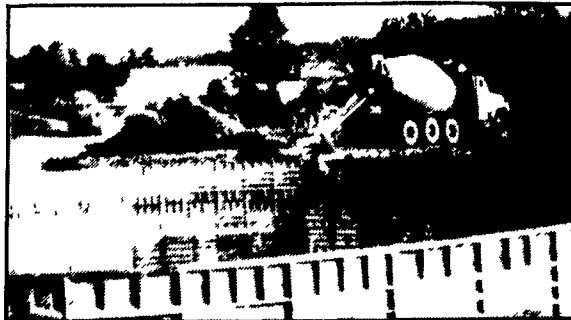
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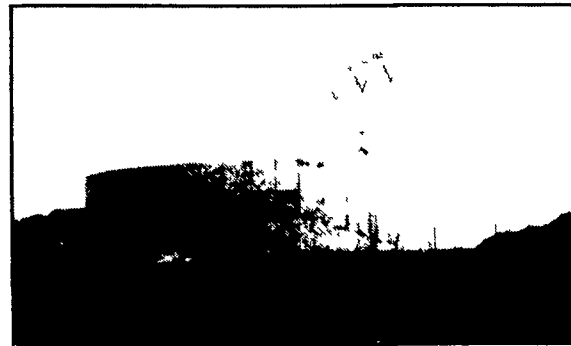
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