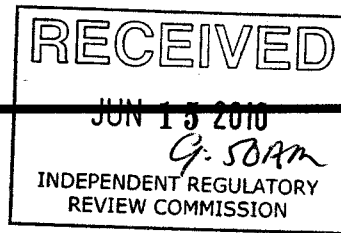


2783



**From:** Jake Arner [jarner@ptd.net]  
**Sent:** Tuesday, June 15, 2010 9:50 AM  
**To:** IRRC  
**Cc:** Smith, James M.  
**Subject:** Can Pennsylvania Afford to Compensate Land Owners under Title 25, Chapter 102 Regulation Changes at the IRRC

**Can Pennsylvania Afford Proposed Revisions to Title 25, Chapter 102 E&S Control and Storm water Management Impacts of Riparian Buffers**

I am writing to oppose the proposed buffer regulations with respect to the arbitrary nature in which the regulations propose to “take” riparian land without just compensation, because our state cannot afford to compensate land owners for the property that will be taken and compensation will certainly become an issue.

The Fourteenth Amendment to the United States Constitution extended the confiscation protection to citizens against their own states, and in so doing created both significant new protections for individual rights and a new avenue for federal interference with State and local democracy. Section 1 of the Fourteenth Amendment states:

*All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.*

The proposed regulations “Riparian Forest Buffer Guidance” should be removed from the proposed table, or at least studied with respect to its cost to business in Pennsylvania and the potential cost to Pennsylvania citizens, and this cost be addressed prior to enactment.”

Respectfully,  
Jake Arner  
Carbon Builders Association, President  
Pennsylvania Builders Association, Board Member