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March 31, 2009

The Honorable William E. Sandifer, III, Chairman  
House Labor, Commerce and Industry Committee  
407 Blatt Building  
Columbia, S.C. 29201

RE: The Business and Commerce subcommittee

Dear Chairman Sandifer:

It is my understanding that the Business and Commerce subcommittee is accepting "Public testimony on ways to improve the business climate in our state by eliminating unnecessary, burdensome and redundant state and local government regulations and policies". I would ask that this letter be entered into the record of the meeting.

I am one of the Principals in a South Carolina Company whose name is Hospital Land Partners, LLC. In 1997 the company purchased a parcel of land from International Paper Company. The land is in Horry County adjacent to the Conway Hospital.

It was, and still is, our intent to develop the land for a use that is complimentary to the adjacent hospital campus (which includes a skilled nursing residential facility) and the adjacent retirement community.

Our attempts to implement our plans have been thwarted by the South Carolina Department of Health and Environmental Control and it's Office of Coastal Resource Management (OCRM).

The inability of the OCRM staff to admit that they failed to require restrictive covenants or easements on the property ten years prior to our purchase of it has caused extensive legal fees for both our company and the State of South Carolina. The result has been our inability to come to market with a needed development within the eleven and a half years that we have owned the property.

We believe that the bloated bureaucracy of The Department of Health and Environmental Control and the Office of Coastal Resource Management is an

example of how the lack of structural oversight and control by the South Carolina Legislature can impede the growth of our states economy.

We believe that all of the agencies of the state should be required annually to justify both the fiscal and economic impact of their activities on the citizens who ultimately pay for those activities. All of the regulations that an agency attempts to enforce are required to be justified by the agency to the legislature prior to their implementation. That justification is required to quantify both fiscal and economic impacts of the proposed regulations. Apparently, OCRM believes that they are exempt from this type of justification. The Agencies have a history of making up their own rules without concurrence of the legislature.

The cost of obtaining wetlands permits was included in the comments of the majority opinion in the Rapanos case decided by the US Supreme Court in 2006. Justice Scalia stated that the average applicant for an individual wetlands disturbance permit spent 788 days and \$271,596. A Nationwide wetlands permit took 313 days and cost \$28,915. Over \$1.7 billion annually was spent for wetlands permits. I believe that money could be put to better use.

OCRM/DHEC wants to expand its jurisdiction even in the present economy. In the humble opinion of this voter and taxpayer, the legislature should undertake to overhaul this agency to reduce its cost and the scope of its responsibilities and its interference with commerce in our state.

Thank you for allowing me to furnish this additional information and viewpoint for your consideration.

Sincerely,

Thomas S. Roe