

# PENNSYLVANIA

# LANDOWNERS



# ASSOCIATION,

# INC.

APRIL 1989

## PLA CONCERNS FELT NATIONWIDE

Concerns that gave rise to the formation of the PLA are being felt throughout the entire nation. Numerous landowner groups with goals similar to the PLA's are being created at a rapid pace. The record is showing that landowners in every state are experiencing the same difficulties and are finally grouping together to stand up for their rights. Recently, two publications ran articles that depicted landowner concerns in Apollo Beach, FL and Wekiva Falls, FL and how those concerns eventually led to the formation of 2 new landowner organizations. The following articles provide a detailed description of some of the issues which landowners are facing in these areas.

## NEWSLETTER AIMS AT LARGE LANDOWNERS

By **KIMBERLY D. KLEMAN**  
St. Petersburg Times Reporter

**APOLLO BEACH** — A new publication based here, the *Landowner Advocate*, has hit the streets throughout the state. Its goal: to get large landowners to band together against excessive government regulation.

"Don't miss the chance to protect your rights to your land - subscribe today!" reads the cover letter of the beige journal. Its logo is a balance tipped in the favor of "regulations" as opposed to "property rights."

The newsletter is published by Real World Land Consultants, an Apollo Beach-based company led by Joe Smith that lobbies for the Big Bend Area Group. The Big Bend group, roughly 35 South Hillsborough landowners, succeeded last year in getting 94,000 acres reassessed for higher densities. At the time it was the largest such amendment ever approved in Florida. Smith, who couldn't

be reached for comment Monday, has said he would distribute his publication to landowners throughout the state to create an exchange of ideas among them. He distributed free copies to county commissioners, among others.

"There are a lot of very controversial issues out there for large land owners," said Tampa real estate lawyer Ron Weaver, a

**The Newsletter says Florida has become a "volatile and emotional arena," in part because of environmentalists and others "who own no land but who seek control of all lands in Florida."**

contributor to the newsletter's first issue, which appeared this month. He was referring to laws governing hazardous waste and to the ongoing debates on counties' comprehensive plans.

The newsletter says Florida has become a "volatile and emotional arena," in part because of environmentalists and others "who own no land but seek control of all lands in Florida."

The revision of counties' comprehensive plans, which Hillsborough is undergoing now, will "provide hundreds of opportunities for those who would further impair the ability to enjoy title to land."

The publication is peppered with witticisms and quotations relating to individual rights, such as this one from Ralph Waldo Emerson: "The first farmer was the first man, and all historic nobility rests on possession and use of land."

"You can no longer be passive," the journal says, referring to government regulation. "Even if you just choose to be left alone, to tend to your business, you will have to be 'aggressively passive.'"

## WEKIVA LANDOWNERS READY TO WAGE DEVELOPMENT WAR

By **JIM RUNNELS**  
Sentinal Staff, Orlando FL

The already-fierce battle between property owners and environmentalists over development in the Wekiva is about to escalate into full-scale war.

Thursday night, a crowd of property owners met to create a new special-interest

group, the Wekiva Basin Property Owners Association, and collected about \$6,000 to get things started.

The group vowed to open a bank account, rent a post office box and go to work producing a slick newsletter to be mailed to the 4,100 property owners affected by pending planning and zoning rules that will control development in the Wekiva River area.

The group will also pack public meetings on the proposals, with various property owners speaking out against efforts to ban or severely limit development along the river.

They talked of staging campaigns to besiege county commissioners with telephone calls. Another target for the

Please see **WEKIVA** on page 2.

group might be the editors of newspapers who have criticized landowners for fighting the rules.

Steve Richey, a prominent Leesburg attorney who handles dozens of major developments, spoke at the meeting, saying if the property owners lose their rights, they should make sure that "everybody gets screwed equally."

Richey said Friday he is tired of landowners being criticized for opposing the rules. He said the people who own the land have the right to be heard, since they will be directly affected.

"I don't understand it," Richey said. "any time the environmental groups get in a snit, they organize, protest and raise hell and get praise for it from everybody.

"But you let the landowners try to keep control of their property and they get branded as 'whiners' by the newspapers," Richey said. "We think we have the right to let rule-makers know how their actions will affect the people who have the most to lose."

Richey is well known in regard to the Wekiva issue. He was involved as attorney

for a group that wanted to develop Wekiva Falls, a huge housing subdivision. Much of the early Wekiva controversy was directed at stopping the development.

Initially, a plan was submitted for 2,200 homes; was withdrawn after opposition. There has been discussion of a 350-home development, but no formal application has been made.

Also on hand for Thursday night's meeting were attorney Cecelia Bonifay, known for her work in obtaining permits for developments; Steve Fussell, an Orlando public relations specialist who also worked on Wekiva Falls; and Steve Adams, one of the owners of Lake Land Planning, a development firm Richey started and later left.

Environmentalists want the Wekiva River Basin to be protected as a wildlife area and corridor connecting other protected areas. They say rampant development will destroy the valuable wildlife area.

Richey contended that environmentalists have made a trade off — that they will get state support to win the stringent controls in the area and in return will keep quiet

when the state waives the rules to let a six-lane expressway be built through the same area.

The Central Florida Expressway Authority, the Orlando Expressway Authority and the Florida Department of Transportation plan to use an old railroad route as the path of a six-lane beltway that will cross the Wekiva, travel across much of the Lake County area naturalists want protected, and loop south into Orange County.

Richey says such a trade-off is unfair, and vows to fight back.

"My clients have enough money to litigate until hell freezes over," Richey said Friday, "and if they waive the rules for the beltway, we will probably take exception."

The newly formed property-owners group plans to attend virtually all the sessions planned Monday as the legislative delegation holds public meetings in the county.

It also plans to attend special county commission workshop sessions on the issue and will hold a meeting of its own Thursday at Camp Challenge in north Lake County.

## A TROUT SEASON TO REMEMBER

Some great news for area sportsmen! The East Branch of LeBoeuf Creek will be overflowing with prime brown, rainbow, & brook trout on April 15 courtesy of donations by various individual PLA members. As avid sportsmen, these members wanted to ensure the excellent fishing that is noted in northwestern PA. You may be thinking . . . so what's new . . . the East Branch is always stocked by the PA Fish Commission. You're right . . . it always WAS stocked. Just recently, the PA Fish Commission went public with the fact that the East Branch of LeBoeuf Creek would not be stocked because a major portion of this area prohibits access. Once again, a state agency has failed to acknowledge a vital point in an issue: although the land is posted, access is attainable. Simply stated, anyone supporting the PLA through membership can obtain access to this private land.

Some very concerned PLA members shot into fast action in order to remedy the situation and support area sportsmen. They decided to donate funds for the purchase of over a thousand trout to be stocked in time for the fishing season. To make this season even more interesting, the small group donating the fish decided to mark up to 10 of the largest fish by placing a small punch hole in the tail fin, a suggestion made by Commission representatives. Anyone catching these marked fish between April 15-22, will be awarded a gift certificate good for any fishing supplies at the Waterford Western Auto. First prize will be a \$50.00 certificate, second and third prizes a \$25.00 certificate, and fourth through tenth a \$10.00 certificate. If you get lucky and end up with a "marked trout" hanging on your hook, present your catch to the Waterford Western Auto for verification to receive your prize. **GOOD FISHIN'!!**

## FINANCIAL STATEMENT PREPARED

The 1988 Financial Statement has been completed by the accounting firm of Monahan & Monahan of Erie, PA. A copy is now on file at our office, and is available for review to all members. Anyone interested in obtaining a copy should send their request to the PLA, PO Box 391, Waterford, PA with a return, stamped, self-addressed envelope.

## YOUR VOICES ARE BEING HEARD

Legislators on both the state and federal levels have expressed their appreciation for the numerous calls and letters informing them of your views. Because of this communication, the PLA is in a much better position to gain support for these views. We would like to offer a special thank-you to those individuals and organizations which took the time and effort to write or call. Please continue since this type of correspondence could very well make all the difference!

## POSTING TIPS

With the arrival of Spring, planting season will be taking place shortly for many landowners who make their living farming. This means that many of the PLA Posting signs which were placed in fields will have to be removed for plowing. A worthwhile tip which will enable you to alleviate the same problem again: place your signs directly in front of any permanent object such as electrical poles or telephone poles. Another suggestion may be to attach the signs on fence posts. Remember, the posting program is proving to be one of our most successful means of PLA communication and promotion. For any new members who are unfamiliar with our posting program and wish to obtain additional information, please contact Rhonda McAtee at (814) 796-2174 or Roger Springer at (814) 796-2641. Once again . . . the PLA wishes to express its appreciation to all participants of the posting program.

*"A government that is big enough to give you all you want is big enough to take it all away."*

*Barry Goldwater (1964)*

## PLA GOES TO WASHINGTON

March 15th marked an important date regarding progress of the PLA. Two PLA board members, Bob Brace and Rhonda McAtee, accepted an invitation from U.S. Senator John Heinz's office to discuss PLA concerns and initiatives regarding proposals for new wetlands legislation. Among the top priorities was the issue of "just compensation" for any private land subjected to restrictions by the government. Senator Heinz's office has taken an aggressive approach in addressing the urgency of this issue. The first major step in their plan involves meeting with representatives from various organizations & associations which are regulated by current wetland legislation. The main focus of the meeting will be to solicit suggestions from these groups concerning the enactment of new federal regulations which will promote a sense of fair play by the regulating government agencies.

The Washington visit held significant importance as the PLA representatives also met with U.S. Senator Arlen Specter's staff concerning the same issues.

A visit paid to Tom Ridge's office produced a show of support by the Congressman pledging to establish a balance between landowner rights and environmental concerns. Legislative assistant, Mark Holman, informed us of the upcoming hearings by the Public Works & Transportation Committee urging us to attend and testify on behalf of the PLA. Congressman Ridge definitely has a vested interest in the on going wetlands controversy since his district contains a sizable portion of wetlands.

## STATE REP. PLEDGES TO INTRODUCE NEW BILL

State Representative Jim Merry (R-5) has pledged to PLA members the introduction of a new state wetlands bill. Research is currently being conducted to establish a viable method to address the environmental concerns of protecting our state's significant wetlands while at the same time preserving long time landowner rights. "Just Compensation" heads the Representative's list of critical issues to be addressed in the bill.

## CAN YOU BELIEVE IT?

### N.J. POLICE CHECK FARMERS

PA Farmer Magazine

New Jersey legislators must have a knack for damaging farmers. Under current solid waste regulations, any farmer who wants to compost leaves on his farm must first get a character approval from the state police. This is just the first step in the two-year process for getting a composting permit.

The state police have a backlog of 60 applications. Meanwhile, the ag department is negotiating with the Department of En-

Please see **FARMERS** on page 4.

## HEAR ME OUT

by VICTOR LEGLER,  
Jamestown N.D. Farmer,  
AGWEEK Magazine

A recent headline proclaimed, "Swampbuster Problems Over." While officials trying to administer this controversial law might like to think so, it will remain a burr under the saddle for those landowners affected by it, and eventually all farmers.

The reason: Swampbuster is a bad law! Present attempts to make the law less offensive by lessening the severity of penalties or using "failure to fully comply" procedures won't change its thrust. The real issue is *not* whether wildlife habitat will be protected — the public, including most farmers, are demanding this. The real issue is *how!*

Swampbuster is an appalling law and here's why:

- Swampbuster infringes on, and usurps, the farmer's right to operate and manage his land as he best sees fit (on drainage and related water and earth-moving problems). It allows the U.S. Fish and Wildlife Service, and various environmental and wildlife groups, to dictate their philosophy of land-use management on land they do not own, lease, or pay taxes on. Although a farmer isn't bound by the law if he stays out of the farm program, few farmers feel they can be outside the farm program if they want to stay in business.

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**Swampbuster is a bad law for several reasons and needs to be repealed. That means all farmers, whether affected by swampbuster or not, need to work together to achieve that goal.**

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- Swampbuster stops *all* drainage for all time. It does not allow that certain drainage can and does enhance habitat for wildlife. A number of farmers in "pothole country" have drained "nuisance potholes" into wildlife waterholes or larger sloughs. This has been a boon to wildlife in a drought year like 1988 because it has maintained a water and food supply that wouldn't exist otherwise.

- Swampbuster creates an adversarial relationship between special interest groups and farmers. Most farmers are sportsmen, hunters and conservationists, and many are (or have been) members of or contributors to various wildlife organizations.

When, however, the National Wildlife Federation hires an attorney for the express purpose of "vigorously" enforcing swampbuster, agency personnel use aerial flights and ground observation surveys in an attempt to find some possible violators; and a number of wildlife officials call for prosecution with the zeal of a religious inquisition, the result is hostility rather than the necessary compatibility for any successful habitat program.

- Swampbuster puts government agencies and special interest groups in the role of policing and prosecuting farmers instead of cooperating with landowners by using contractual agreements, leases and education.

An example of a proper role and a good, cooperative working relationship is the lease program of the N.D. Game and Fish Department. This program uses leases to get land seeded back to grass for exclusive use by wildlife. It is an excellent, successful program for wildlife, landowners and sportsmen alike.

- Swampbuster goes too far! It fails to take into account the time, money and work that farmers have spent enhancing habitat for wildlife. It mandates strict compliance with a permit procedure no matter how minor a drainage operation or how insignificant the impact on wildlife habitat. A farmer that wants to bring dirt from a drainage ditch for fill in his yard is now forced to apply for permission even if the removed dirt results in no habitat change whatsoever.

- Swampbuster portends an ominous trend. Certain "rights" have been usurped from farmers and given to special interest groups who are unlikely to give them up without a fight. The trend has always been to expand these "rights" -- how about forcing farmers to plug existing drains? How about telling a landowner if he can post, and for whom? How about animal rights

activists, shouldn't they have the right to dictate certain procedures for livestock producers?

Since swampbuster is a separate law, it cannot be adjusted, amended or repealed with changes in a new farm bill. Some politicians and farm organization leaders are skeptical as to whether landowners have the "clout" to repeal this law. Some agency officials suggest that we better learn to live with it.

But more than 200 years ago our founding fathers fought a war over such controversial laws as the Stamp Act and a tax on tea. They won their cause for independence even though the British were thought to have more clout.

All farmers, whether they're affected by swampbuster or not, need to understand the implications of this law and then work together to repeal it. If we don't, we'll get what we deserve — more of the same — until we have to beg some agency's permission to fix the barn door.

Legler has farmed northeast of Jamestown, N.D., since 1958, and currently leases 72 acres of wildlife habitat land to the North Dakota Game and Fish Dept. He also served nine years as an ASCS committeeman in Stutsman County. In 1982 Legler was the Stutsman County soil conservation winner.

## FARMERS (Cont. from page 3)

Environmental Protection to trust farmers enough to let them compost leaves on their own ground.

Current regulations will permit using leaves as a mulch, which works well except in a wind, or when you must incorporate them into the soil. In other words, you can have them on the farm, but not in the ground.

One would think there are more crucial concerns in the Garden State than *running farmers through a character check at the police barracks.*

## HLMA HOSTS 2ND ANNUAL LEGISLATIVE DINNER

The Hardwood Lumber Manufacturer's Association (HLMA) will host its 2nd annual legislative dinner on April 11 at the Harrisburg Holiday Inn East. PLA members will be attending on behalf of their organization to be updated on current issues affecting PLA members in the timber industry as well as for members who own private lots of timber. Among the various topics for discussion are: Erosion & Sedimentation, Road Bonding, Weight Limits, Workers Compensation and Wetlands.

The dinner serves as an excellent opportunity for the PLA to express concerns of its members and to thank the legislators for their support to date.

## MEMBERSHIP RENEWAL AROUND THE CORNER

1988-89 PLA memberships will expire on July 1st, 1989. To obtain a new membership, complete and mail the renewal form enclosed. Once again, the PLA will laminate the membership card for weather protection. 1989-90 membership cards will be of a new color and format for easy identification. Anyone who submitted funds for a membership after Jan. 1, 1989 will automatically receive a 1989-90 membership. Also, for an accurate record of the amount of land represented through the Association, please make sure you fill in the amount of acreage you own. All figures are confidential and without them, we cannot maintain accurate figures as to how much property is represented by this organization. You may note that there are 2 applications enclosed. If every member encourages just 1 other person to join, the PLA **DOUBLES** in size overnight. **Help promote YOUR association.**

*"It is for men to choose whether they will govern themselves or be governed."*

Henry Ward Beecher (1887)

## "POGAM" SPONSORS WETLANDS SEMINAR

May 17th & 18th, 1989 will serve as the date for a wetlands seminar sponsored by the N.E. Petroleum & Forest Resources Cooperative and the PA Oil & Gas Association. The PLA has been invited to serve on a panel which will discuss the implications of efforts to enhance wetlands protection. The discussion will focus on (1) emerging conflicts between the interests of private landowners and public policy that are being generated by an expanded regulatory program for wetlands protection; and (2) potential solutions to the perceived problems. Also in attendance will be Patricia Riexinger (Manager, Wetlands Program, NY Dept. of Environmental Conservation); Roger Fickes (Chief, Division of Rivers & Wetlands Conservation, PA DER); Dr. Larry Kardos (Supervisor, Environmental & Regulatory Matters, Pennzoil). Other invited guests include State Senator D. Michael Fisher (Chairman, Senate Environmental Resources & Energy Committee); a representative from the NY state legislature; and an appropriate timber industry representative. Tickets will be \$70 for the 2 day event and will cover the cost of a dinner banquet to be held May 17. The event is slated for 8:00 a.m. at the Edinboro Holiday Inn. Full details on registration will be mailed to members at a later date.

## PENNSYLVANIA LANDOWNERS ASSOCIATION, INC.

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