



P E N N S Y L V A N I A LANDOWNER

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In The Name of Justice

In 1990, John Pozsgai was sentenced to the longest unsuspended jail term in the history of the United States for any environmental offense, including dumping of toxic and hazardous waste. The 59 year old self employed mechanic was convicted of violating the Clean Water Act by placing clean fill on his property. John cleaned up a dump site by removing thousands of old tires and debris on a 14 acre lot that he had purchased to build a larger garage so that he could expand his truck repair business. However, the government contended the property was a "protected wetland" even though the property was dry and the only reason any water existed initially was because of the water which had backed up from the hundreds of old tires the public had discarded in the small stream running adjacent to his lot. Ironically, the EPA conceded that not a single fish, bird, or animal was killed, harmed or threatened, and, in fact, the tiny stream adjacent to his property runs clearer today thanks to the clean up efforts of Mr. Pozsgai.

John served nearly two full years of imprisonment for his conservation efforts, and is currently serving a one year home imprisonment or "house arrest." Under the provisions of John's

five year supervised probation, urine testing for drug use is mandated once a week and he must be available at all times for random phone calls by his probation officer. Additionally, he must be accessible when beckoned or otherwise be considered Absent Without Leave (AWOL). On a weekly basis, a probation officer checks John at his Morrisville, Pennsylvania property. The government continues surveillance and monitoring his property, restricting the use of his land, and entering and exiting his property at will.

To date, the Pozsgai's are awaiting decisions regarding civil action cases against the Army Corps of Engineers, determinations of civil appeal cases involving "takings" and jurisdictional issues. In a separate action, John's original fine of \$202,000 was reduced to \$5,000 and an administrative proceeding is still pending before the Environmental Hearing Board of the Commonwealth of Pennsylvania regarding an after-the-fact permit.

John and his family continue to lobby for the enactment of H.R. 1330, the Comprehensive Wetlands Conservation & Management Act. This proposed legislation will govern wetlands through balanced, common-

(Continued on page 2)



John Pozsgai with grandson "Little John"

(Continued from page 1)

sense law rather than through the current confiscatory and highly unfair regulatory process.

In 1991, the efforts of PLA, its members, and hundreds of grassroots organizations nation-wide resulted in over 10,000 signatures calling for a presidential pardon for John and for Ocie and Carey Mills, a father and son who also served 21 months in a Florida federal prison. To date, however, no action has been taken.

And now, another wetland victim faces imprisonment. Bill Ellen, a marine environmental engineer, was recently convicted of criminal violations for creating ponds in a so-called wetland in Maryland. By the time you receive this newsletter Bill may have reported to a federal penitentiary, leaving behind his wife and two small children ages 2 and 4. PLA, the Environmental Conservation Organization (ECO), the Fairness to Land Owners Committee and other property rights organizations are again renewing efforts to make one last appeal to President Bush for pardons and/or commutations for these four wetland victims. We are seeking a prompt response from our members and property rights supporters to aid these individuals. Please Fax or write a brief note to the President of the United States by December 7, 1992 to help secure a pardon/commutation for these wetland victims.

So that we may bulk deliver, letters need to be mailed to:

Henry Lamb
ECO/Pardons/Commutations
Box 9
Maywood, Illinois 60153
Fax Pardons/Commutations to: 708-344-0989

Dear Mr. President,

I respectfully request that prior to your leaving office as President of the United States of America, that immediate action for the Presidential pardon and commutation for Bill Ellen and pardons for John Poczgai, Ocie Mills and Carey Mills be granted.

These wetland convictions are a gross abuse of governmental authority and the sentences imposed are clearly excessive. The "waters of the United States" they were convicted for polluting are in fact dry land and the actions of these victims resulted in no adverse environmental impact.

Name (print) _____

Address _____

Signature _____

The Takings Issue

Time for Congress to Act Responsibly for Landowners

By U.S. Representative Tom Ridge (PA-21)

During the past two years, I have made one of my top priorities in the U.S. House of Representatives a piece of much-needed legislation which, when signed into law, will be welcomed by landowners across Pennsylvania and the nation. The bill, better known as H.R. 1330, will strike a long-overdue balance between private property rights and the need to protect our state's pristine wetlands, wetlands which we all agree are a precious natural resource. I worked earnestly to enact this legislation during the 102nd Congress, which recently came to an end. With the help of grassroots organizations, like the Pennsylvania Landowners Association, and with the support of 175 members of the House - Republicans and Democrats alike - this legislation enjoyed great success. However, the wheels of the legislative process moved too slowly for those of us who had hoped to enact this legislation before the end of the session.

As I prepare my legislative agenda for the approaching Congress which will begin in January, passage of this legislation is yet again at the top of my list. The blatant unfairness of today's wetlands management program, which could more appropriately be described as a backdoor land-use management attempt by state and federal regulators, can no longer be ignored. Clearly, the abundance of cases which have landed in the legal system and the "revolt" of private property owners in Pennsylvania, Maryland and elsewhere across the nation, have catapulted this issue into the national consciousness.

At the core of the debate is the issue of "takings," an issue which I addressed earlier this year in testimony before the Committee with oversight over Section 404 of the Clean Water Act, the statute which prohibits the dredging and filling of navigable waterways of the U.S. but says nothing about the way in



U.S. REPRESENTATIVE
TOM RIDGE

which our wetlands should be managed and protected. Today's system neither serves to adequately protect those wetlands that are deserving of our federal attention, nor does it encourage private stewardship and preservation measures which are vital if we truly hope to protect some of this nation's most important wetlands.

At the time of my testimony, the Supreme Court was poised to hear a pivotal case, *Lucas v. South Carolina*. The subsequent decision was a favorable one for landowners, as the high court overturned the South Carolina Supreme Court's decision denying that a "regulatory taking" had occurred on a beachfront property. As many of you know, Mr. Lucas is the individual who purchased two beach front lots in South Carolina for the sum of \$975,000, only to later be barred from construction by an environmental law enacted after he purchased the property. He sued, claiming a "taking" had occurred.

The Court, following in the footsteps of many lower courts which have been awarding compensation to landowners across the country and reducing property tax assessments on lands declared wetlands, agreed with Mr. Lucas that a "taking" had occurred and that he might be eligible for compensation. While the Court's decision is good news for many landowners, it is worth noting that today's legal process is often painstakingly expensive and lengthy. For many small landowners who are denied the use of their land, it may be impossible to determine that a "taking" has occurred in the courts because they find it impossible to withstand the legal costs and emotional burdens of our legal system.

Yet even as the Courts have been actively engaged in debating this issue, Congress has been conspicuously silent. H.R. 1330 can and must end that silence. The legislation, which is the most widely-supported piece of wetlands legislation in Congress, seeks to establish a more common sense and fair wetlands program in a number of ways. First, it would classify wetlands into three categories by recognizing that all wetlands are not created equal. A low spot in a Pennsylvania field cannot be equated with the Florida Everglades. Secondly, the legislation would more clearly define what is and is not a wetland. Perhaps most importantly, the legislation would compensate landowners whose properties are "taken."

The premise for this provision is the Fifth Amendment to the Constitution, which states, "nor shall private property be taken for public use, without just compensation."

I have argued - and will continue to - that landowners should not be forced into court at considerable emotional and financial expense to prove that a taking has occurred. Moreover, if we are truly interested in protecting wetlands, 75 to 80 percent of which are in the hands of private property owners, we must recognize that all wetlands are not created equal. We can then go about committing limited federal resources to protecting the most pristine of these lands.

Some have argued that compensation will be an expense that the federal government cannot reasonably incur in this fiscal environment. Yet, two points are worth noting. First, the Fifth Amendment does not state: "just compensation be provided only when adequate funds are in the Treasury." Secondly, the recent trends

suggest that further delays in addressing management of our wetlands is going to be even more expensive than compensation. Congress must enact legislation, such as H.R. 1330, which applies a standard definition to wetlands and classifies them so that a determination can be made as to which of them are so pristine that the taxpayers should bear the cost of preserving and protecting them. Otherwise, trends suggest that if we let the litigators decide each of these cases on an individual case-by-case basis, that the cost to the taxpayer will be substantially greater than if Congress, as a legislative body, enacted a comprehensive approach.

Most importantly, Congress must accept the responsibility of addressing this issue once and for all. The "takings" clause was clearly intended to limit the reach of the federal government into private property. The premise is simple. The government may have reason to take certain property in the interest of the public good, but it can do so if, and only if, the property owner is compensated. It is also important to keep in mind that these lands are in the hands of private property owners, who are now individually bearing the burden of their so-called "protection," which currently is no more than a denial of the right to use the property.

H.R. 1330 recognizes one of America's most fundamental rights - private property rights. It does so by providing compensation to landowners whose properties are "taken" and by recognizing that today's wetlands are owned by men and women, retirees and small business owners, first-time homebuyers and those whose property they believe to be their own, property on which they had hoped to build a home, farm a crop or begin their first business.

Which leads me to the last point that I believe is deserving of note as I prepare to reintroduce H.R. 1330 in the coming year. For many of you reading this article, and certainly from my perspective, this issue is not about a land-grab attempt by "big developers" but is about the rights of landowners, large and small. Instead, in Pennsylvania towns as diverse as the people who inhabit our state's breathtakingly green and luscious lands, many Pennsylvanians have seen their dreams dashed by overzealous state and federal regulators. Building a home, starting a business and farming a field are some of what our Founding Fathers dreamed of when they wrote the Constitution.

And for the same reasons that they wrote the Fifth Amendment to the Constitution then, we must work to see it applied today. Certainly, none of us want to see Pennsylvania's environment degraded. But just as this is about fairness and balance, it is also an issue, as one columnist notes, about "costs and benefits." He went on to say, and I agree:

"...if an entire society is reaping the presumed gains of some regulation, why should a solitary landowner have to pay the costs? It's time for the Supreme Court to end the government's regulatory free lunch. Both the Constitution and the basic principles of justice require no less."¹

It's also time for Congress to end the free lunch and act.

1. Doug Bandow, "Trying to Preserve the 5th," *The Washington Times*, March 4, 1992.

“...if an entire society is reaping the presumed gains of some regulation, why should a solitary landowner have to pay the costs?”

Who's Supporting Who?

For several years now, many individuals and companies across the United States have helped to support major environmental organizations with their financial resources, believing that their donations were helping to promote wise environmental policies. Sadly, these same individuals and companies are often unaware of the tactics and anti-property rights propaganda which are used and promoted by such organizations. Listed below is a sampling of contributors who need to be educated on the "real agenda" promoted by such organizations. Concerned individuals should consider contacting these major contributors regarding support of organizations so adamantly opposed to the protection of private property rights.

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The Arizona Republic/The Phoenix Gazette

**Source: Echard, Jo Kwong. 1990. Studies in Organizational Trends, Vol. 5 Washington, D.C.: Capital Research Center. Research reflects corporate support from 1987-1990. Reprint courtesy of Blue Ribbon Coalition, Idaho Falls, ID.*

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Who Owns Pennsylvania?

By Henry Ingram, Esq.

The total land acreage in the fifty states of the United States is about 2,300,000,000 acres. The Federal Government owns or otherwise controls 622,000,000 acres, about 30 percent of the total. In western states the percentage of federal lands ranges from 28.9 percent (Washington) to 647.8 percent (Alaska) and the public lands in Alaska are over 10 percent of the entire United States total. 60.9 percent of California is federally owned.¹

These general facts are well recognized and everyone seems to operate comfortably under the assumption that there is nothing particularly troublesome about massive government ownership of land. However, expanded government ownership of this finite natural resource can have very serious consequences. For example, in periods when the anti-development, preservationist philosophy is in vogue politically, there is great pressure to restrict multiple uses of public land, even though "multiple use" is the theoretical underpinning of the concept of "public land." For example, preservationists usually assert that development of minerals such as oil and gas, coal and uranium for energy production should not be allowed on federal lands. The same is true for companies engaged in metal and non-metal mining of strategic raw materials who face a constant struggle to ensure that the vast mineral reserves located on federal lands remain open to development.

It is a virtual certainty that the new Administration in Washington will be extensively pressured by the environmental lobby to curtail development of mineral resources on federal lands. These anti-development forces will doubtless argue that since the Cold War has been won, the need to extract minerals (or at least have them

available for development) has lessened and the time has come for more limited, less intrusive use of federal lands.

You can almost hear the arguments now: "Why expose our vast Wilderness areas to rapacious exploitation by profit driven corporations when there is no longer a compelling national security reason to justify taking such risks with our natural environment?" More radical, anti-development factions simply argue that land-use of any kind is the functional equivalent of pollution and that it should not be permitted at all.

We had a recent manifestation of the "doomsday scenario" and example of the hue and cry which is heard when someone even suggests development on federal lands in Pennsylvania. You would have thought the world was about to end when a supervisor of the Allegheny National Forest mentioned that some coal might be mined in the Forest unless the owner was compensated for being prevented from mining. We seem to be developing a national mind set that development of any kind is bad per se, forgetting all the while that over 200 years of economic development and resulting prosperity were in large measure dependent on land use and development, even the intrusive kind so decried by the anti-development/preservationist lobby.

The focus of the public policy debate concerning mass government ownership of land seems to be directed primarily toward the Western states. There is a perception that there is much more land "out there" and less population "pressure" on land use. Also, there does not seem to be quite as much opposition to development, perhaps attributable to the last vestiges of the American frontier spirit in the West and possibly

a less strident, anti-development bias in the media. But massive government ownership has serious implications not only in the West but also in the Eastern states.

And Pennsylvania provides an interesting case to examine the issue of government ownership and the compelling public policy questions involved.

Pennsylvania covers almost 29,000,000 acres (including "water" area of almost a million acres).² Of that amount federal land comprises only 677,000 acres or just over 2.3 percent. Of that acreage, the U.S. Forest Service has 512,000 acres, the National Park Service has 109,000 acres and even our old friend, the U.S. Fish and Wildlife Service, owns about 10,000 acres. You might be interested to know that although New York has a larger land mass than Pennsylvania, it has only 234,000 acres of federal land.

The government ownership picture is not complete in Pennsylvania until you also look at the massive holdings of state and local governments. The agencies owning the largest amounts of public land in Pennsylvania are:

Bureau of State Parks	275,700
Bureau of Forestry	2,085,000
PA Game Commission	1,355,000
TOTAL	3,715,700 ³

Although PennDOT and other state agencies and facilities, such as hospitals and universities, and county and municipal parks swell the totals, the three agencies just mentioned are the big players in the Government owned land business in Pennsylvania. Indeed, the acreage owned by these three agencies exceeds the total acreage of all developed land in Pennsylvania by almost

1,000,000 acres!¹ When it is all added up, there is massive government ownership of land in Pennsylvania. Although it is difficult to come up with the precise acreage, well over 20 percent of the Pennsylvania land mass is public land owned by the Government.

What are the public policy implications of this ownership structure and the apparent trend throughout the United States, including Pennsylvania, toward rapid expansion of the amount of acreage owned by Government? Readers of the *Landowner* are aware that the National Park Service is aggressively acquiring large tracts of land both by condemnation and gift. Similarly, in Pennsylvania and elsewhere, conservancy organizations are more and more frequently acquiring land from private owners and then turning around and transferring the lands to government entities such as the Game Commission.²

At least two important public policy questions are raised by this trend. The first involves the extent to which private lands which were previously available for economic development and yes, even for exploitation of natural resources such as timber and minerals, are now going to be "off limits" for use and development by virtue of the implementation of anti-development/preservationist policies by elected officials and other politicians in response to pressure from the environmental lobby. The transactions documented elsewhere in this issue clearly demonstrate that the transfer of private lands to the government sector is on the upswing.

The second involves the impact of this trend on the real estate tax base in Pennsylvania. Like it or not, ad valorem real estate taxation is the primary source of local tax revenues. Our municipalities and school districts live or die on real estate tax revenues. The State Tax Equalization Board estimates that there is about 78 billion dollars of "assessed value" of taxable real estate in Pennsylvania and about 20 billion dollars of "assessed value" of tax exempt real estate. If transfers to government ownership continue, this ratio will change. As noted at the beginning, real estate is a finite resource. If more and more of it is transferred to the tax exempt entities, whether government agencies or private "charitable" entities such as certain conservancy organizations, and use and development of the land is curtailed, the

tax base both in terms of amount of land and the value of improvements necessarily has to shrink.

It is clear that local governments can be adversely affected as more and more land goes out of taxation.³ A large transfer to the government side can lead to a reduction of local government services or an increase in real estate taxes for the owners of the shrinking real estate tax base if services are to be maintained. The negative impact will be compounded if anti-development, preservationist policies are implemented at the same time and economic development of land is further impeded.

The point to remember is simple. The next time you hear about several hundred or thousand acres of land being transferred from private ownership to the government, particularly for passive or non-intrusive uses such as recreation, under circumstances where development is likely to be severely curtailed, stop and think about the bigger picture. Like so many other "government" activities, too much of a good thing is probably going to be a bad thing.

1. The source of these figures is the *AMC Journal*, Volume 78, No. 8, August 1992.
2. Statistical abstract of the United States, 1992 Table 344.
3. These agencies are proud of their vast holdings and a simple phone call will get you the information down to the last acre!
4. Statistical Abstract of the United States 1992, Table 344 - includes urban and built-up areas in units of 10 acres or greater.
5. This trend is encouraged by devices such as the exclusion from the Pennsylvania Realty Transfer Tax provided for such transfers. See 72 P.S. 58102-C.3(18).
6. Legislative remedies such as the \$.60/acre Game Commission payment to local taxing bodies in lieu of taxes is probably cold comfort to many local governments.

Henry Ingram is Chairman of the Natural Resources & Environmental Law Section of Buchanan Ingersoll, P.C. and has practiced law for over 20 years. Mr. Ingram and his associate, John Ward, also serve as legal counsel for PLA. Questions or comments regarding this article or any other legal issue may be directed to Mr. Ingram in Pittsburgh at (412) 562-1695 or Mr. Ward in Harrisburg at (717) 237-4815.

Thank you for your continued support

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Congress and Media Ignore Rip-Off

By William Perry Pendley

Where are they now? Where are the committee chairmen, the self-appointed congressional watch dogs of the public interest, the headline-grabbing bemoaners of waste, fraud and abuse? Where are the media pontificators, the self-righteous experts on what ails the country, the intimidators of cowering bureaucrats, the defamers of those accused of wrongdoing?

Where are they now that the Inspector General (IG) of the U.S. Department of the Interior (DOI) has exposed the biggest rip-off since Teapot Dome? The answer is, no where. They are silent. "Why?" you ask. Because the shoe is now on the other foot and it hurts. Because now the accusations of rip-off, self-enrichment, and cover up are directed at their friends in the environmental community.

In early June, the IG released the results of an investigation into the manner in which the DOI—specifically the National Park Service (NPS), the U.S. Fish and Wildlife Service (FWS), and the Bureau of Land Management (BLM)—uses "nonprofit" organizations to acquire private lands, take them off the tax rolls and bring them into federal ownership.

DOI's acquisition of privately-owned lands is no mom and pop operation. During fiscal year 1991, the NPS, the FWS and the BLM spent more than \$219 million to buy private land. Over the last six fiscal years (1986-1991), these DOI agencies spent a whopping \$992 million dollars to increase federal land ownership—nearly one billion dollars! As stunning as is the DOI's land acquisition budget—which has increased 140% since 1986—is the underhanded, wasteful, and maybe even illegal manner in which that money has been spent.

According the IG, the FWS paid \$5.2 million more than the approved fair market value of \$44 million in 64 transactions. In addition, the FWS paid "interest" and "overhead cost" of nonprofits even though the FWS did not verify that nonprofits incurred these "costs."

Several land acquisitions are worth mentioning. In 1987, the FWS paid the National Audubon Society \$1 million for 777 acres in California valued at \$700,000, a 30% windfall. In 1988 and 1989, the FWS paid The Nature Conservancy (TNC) 4.5

million for 5,398 acres in Oklahoma valued at \$3.5 million, a 28% gift.

The IG reported that the three agencies gave nonprofits a \$1.9 million windfall on seven transactions, even though the nonprofits had extremely limited financial involvement and almost no risk.

Specifically, after TNC paid \$100 for an option to buy 5,529 acres in Oregon, the BLM gave TNC \$1.4 million with which the TNC paid the owner 1.26 million, a \$140,000 windfall. In another simultaneous transaction in Oregon, the BLM paid the Trust for Public Land (TPL) \$1 million, out of which the TPL paid the owner \$720,000, a 28% profit. According to the IG, none of the agencies followed established appraisal and property valuation standards to ensure that property values are timely, independent and adequately supported by market data. The appraisals used by the three agencies were an average of 400 days old. In one case, the appraisal was more than 4 years old. Typically, the appraisals are provided by the nonprofits themselves.

In perhaps the most outrageous example, the NPS paid \$4.77 million for 4,200 acres in South Carolina using an appraisal that was a year and one half old. Between the time of the appraisal and the purchase by the NPS, Hurricane Hugo devastated the area.

Despite the shocking revelation in the IG's report, the Assistant Secretary for Fish, Wildlife and Parks has thumbed his nose at the IG, refusing to comply with the IG's recommendations. The IG stops short of calling his colleague a liar, but publicly bemoans the "arrogance" of the FWS and the NPS.

What will happen next is uncertain. However, one thing is clear. If it were the private sector the IG had skewered, there would be massive media coverage, congressional hearings, cries of outrage from Capitol Hill, and maybe even calls for the appointment of a Special Prosecutor.

Don't take my word for it. Call your U.S. Senator at (202) 224-3121 and ask for a copy of IG Report 92-1-833 (May 1992).

Mr. William Perry Pendley is President and Chief Legal Officer of Mountain States Legal Foundation.

How Much ENOUGH?

Recently in northwestern Pennsylvania, negotiations have been completed regarding the sale of 11,000 contiguous acres of private property located in Venango County. The owners of this property have agreed to sell the entire parcel to the Western Pennsylvania Conservancy even though private individuals have expressed interest in purchasing the entire property. Upon closing the sale, the Conservancy plans to make the property available to the Pennsylvania Game Commission for game lands. If the ultimate owner is exempt from local real estate taxation, the tax base of Venango County, local municipalities and the Forest and Cranberry School Districts will be significantly reduced. The lost tax revenue will necessitate a reduction of local government services or a shift of the tax burdens to other owners of taxable property. Obviously, local private landowners may be adversely affected by the reduction of the tax base through the transfer of private property to government or other tax exempt entities.

To date, northwestern Pennsylvania already boasts over 600,000 acres of real estate owned by the government or other public tax exempt bodies and 1,500 acres of game lands in President Township where the majority of this property lies. The federal government already owns one-third of all the land in America, and upon adding the land owned by state and local government, the government ownership figure exceeds 40% of all the land in America. HOW MUCH IS ENOUGH AND WHERE WILL IT STOP? And, during this economically depressed period, how much additional tax burden on the decreasing amount of privately owned land can its owners afford?

“My name is Donald Walker, Jr.”

Logger's personal story moves millions

My name is Donald Walker Jr.

For 30 years, I was an Oregon Logger. I have been out of work since August, 1989 when the company I worked for closed out its operations near Oakridge where my wife and I live. Times have been pretty tough since then, though I think we have been luckier than some woodworkers. We still have our home where we raised our children. Many younger loggers, with small children at home, have lost everything as a result of the spotted owl controversy that has tied Congress in knots.

My wife has an office job with the same company I worked for, but she had to accept a transfer to another office a four hour drive from home. Now we see each other only on weekends. It gets pretty lonely here without her, but our faith in God has kept us strong, and we continue to hope for better days when we can be together again like a family should be.

After I lost my job, I took some courses at the local community college, thinking that I might be able to make a new start in life. I figured my best hope was to learn enough to start some sort of small business that was related to my 30 years of wood experience. I took welding, some small business classes and a couple of courses in interpersonal communications. Can you imagine a logger in an interpersonal communications class!

Community college helped me a lot personally, but starting over when you are 55 years old isn't easy. Since 1989 the only work I've been able to find is as a part-time caretaker on some private timber land near here. I've also worked seasonally as a yew bark collector for an outfit that has a contract with a big drug company that is searching for a cure for cancer. They think Taxol, which comes from yew bark might be a miracle cancer cure. I also worked on a family tree farm, and that is the other part of this story.

My dad and my grandfather bought this farm in 1932. Our family has been logging it for 60 years. We've replanted as to fields where we graze a few cattle. Our land was burned badly in a fire in 1912 so we don't have any of the old growth timber Oregon is famous for. None of our trees are more than 80 years old. One of the hopes I held on to since I lost my job is that I could supplement our income by continuing to manage our tree farm as my father and grandfather did for so many years. But it

Donald Walker sat down to work his feelings out on paper one day and ended up writing The Amazing Story That Would Not Go Away.

After it was used as a letter-to-the-editor in The Wall Street Journal last May, the phone in Walker's home in Oakridge, Oregon rang constantly for three days. He was summoned to Washington, D.C., where it was read on the floor of the Senate on August 10 during a debate about Sen. Steve Symms' proposed changes to the Endangered Species Act. It was also reprinted in the November issue of Reader's Digest. Walker even receives fan mail.

No one could be more surprised about all of this, of course, than Walker himself. "It's gone way beyond what I ever expected it to do," said the soft-spoken Oregonian. "I've even had people send me money! I send it all back. I don't need it, I'm better off than many others, and that wasn't the point."

The reason mild-mannered Donald Walker is having such a hard-hitting impact on the consciousness of the nation is this: His story is brilliant in its simplicity, it's brief (which the media likes) and it's well-written.

Also his story is true, and personifies the anguish being felt not only by other timber workers in the Pacific Northwest, but by entire communities and regions across the West where the public is being locked out of public lands.

Here then is the story he wrote that everyone's talking about:

doesn't look like this is going to pan out either.

Last November, I received a letter from an outfit called the Forest Conservation Council telling me that if I cut any more timber on our land it would sue me for violating the Endangered Species Act, which protects spotted owls, and makes it a crime to tamper with their habitat.

I have never seen a spotted owl on our place, and I have never met anyone from the Forest Conservation Council. As far as I know, it's never been on our farm. But I do have a typewritten, single-spaced four-page letter from their lawyer saying that what we've been doing on our tree farm for 60 years is no longer legal. I might have felt a little bit better about the letter if they had offered to buy the land, or at least pay the taxes, which we have also been doing for 60 years. But they didn't and I guess I'm not surprised. From what I've read about these people, they don't believe in private property rights.

About 200 Oregon tree farmers got the same letter I got. There are actually many more tree farms in Oregon, but for some reason we were singled out. It got me to thinking about what has happened to us could happen to any private property owner.

In fact, the newspapers are filled with stories like ours. It's happening to people all over the United States. There is even a Supreme Court case now involving a fellow in South Carolina who paid almost a million dollars for a couple of beachfront lots he has been told he can't build on because somebody thinks the land should be left to nature.

A lot of news reporters have visited our place since we got the letter from the Forest Conservation Council. I think they're impressed with the beauty of our farm, but I'm afraid they don't grasp the significance of what is happening to us, or to the other private landowners across the country.

Do they understand that the right of ownership is fundamental to our democracy? I don't think so. I think they are too busy collecting what are called six-second sound bites, and that is not something I am very good at.

Some people say we should cut down all our trees now, while we still can, before the Forest Conservation Council Letter becomes a court case. But we don't want to. We're conservationists. This tree farm is our home, and the trees are part of our way of life. We work with nature to grow a crop the nation needs. The crop is wood. It puts food on our tables.

In 26 years of married life, we have never been late on a bill we owed. The pressure on us is hard to describe. My wife doesn't even read the newspaper anymore, because it's filled with stories about loggers losing everything and preservationists filing more lawsuits.

Where does it all end? Do people count anymore? Do private property rights still have meaning in America? Who will compensate us for our loss? The public? Forest Conservation Council?

So far, I haven't heard from anyone except the tax collector. The problem isn't the owl, or even old growth for that matter. The problem is an out-of-control preservationist movement that doesn't care about people or their rights. Our tree farm is our last hope. It is worth fighting for, and I intend to fight it every way I know how.

Current Events

PLA And Harrisburg College Discuss Archeological Preservation

PLA recently had the opportunity to relate its views on archeological preservation to representatives of historical commissions and local governments attending a November 7th seminar at Harrisburg Community College. Harry Fox Jr., a former school teacher turned developer and a member of PLA's Board of Directors, is an individual noted for his knowledge on the issue. As a developer, Harry has had extensive hands on experience with regulations governing archaeological listings on private land and the subsequent infringement such listings currently have on the use of private property. As with other preservationist policies, once private land is targeted and ultimately listed on the Pennsylvania Historical

& Museum Commission's records (often without the knowledge or consent of the landowner), development and use of the property is prohibited. The Pennsylvania Supreme Court ruled last year that similar laws governing historical buildings are unconstitutional without the owner's consent.

PLA Takes Property Rights Message To North Dakota

Henry Ingram, an environmental attorney with the firm of Buchanan Ingersoll, P.C. and a PLA director representing southwestern Pennsylvania, recently had the opportunity to speak to concerned property owners in Jamestown, North Dakota. At the invitation of the Landowners Association of North Dakota (LAND), Mr. Ingram related his knowledge and expertise regarding the impact extreme environmental regulations have had on the use of private property and

what landowners can and must do to protect their rights. North Dakota landowners have been active in their state promoting education to their legislators and the public about unfair land use policies and were one of the premier grassroots organizations in helping to establish the widespread property rights movement that exists across the country today.

PLA On PBS

PLA has participated on several programs aired on the Public Broadcasting Station during the last several years and again participated on a program known as "Pennsylvania Chronicle" on WPSX-TV.

Director Harry Fox recently had the opportunity to represent the association's views on archaeological preservation and Executive Director Rhonda McAtee addressed landowner concerns with scenic river designations. PA Chronicle airs from the State College region of Pennsylvania.

Second Annual "Fly-In-For-Freedom" – Hundreds Unite in D.C.

The second annual "Fly-In-For-Freedom" was staged in Washington, D.C. during the week of September 13th. Hundreds of grassroots activists concerned about eroding property rights and job losses created from extreme environmental laws and regulations traveled thousands of miles to lobby the halls of Congress and deliver their messages. Concerns ranged from wetlands and endangered species regulations to scenic river designations and National Park Service expansions.

Hundreds of concerned individuals also participated in an organized protest against CBS related to the airing of a recent anti-logging program. The program aired many untruths about the logging profession, placing values of insects, animals and birds, such as the spotted owl, far above jobs, economic impacts, and human beings.

Congratulations and thanks are extended to the hundreds of individuals who gave of their time and resources to defend the protection of private property rights and make Congress aware that people, jobs and economic impacts are an integral part in balancing the environmental equation.



Executive Director Rhonda McAtee poses in front of CBS Studios with participants of the protest, in which hundreds of grassroots activists participated.

UPDATES

Environmental Education Bill Proposed

Just what Pennsylvania needs! Another attempt to brainwash school children and the general public about our environment!

SB 1444, sponsored by Rep. Musto (D-Luzerne County), has been proposed in the Pennsylvania General Assembly which would authorize the Department of Education (DEC) and the Department of Environmental Resources (DER) to "...develop and implement environmental education programs for the citizens...and educators of the Commonwealth," and to "ensure that schools develop mechanisms for assessing the learning outcomes for the Environmental Goal of Quality Education." It also proposes to establish within the DER a "citizen advocate" office to represent the interests of citizens before the Department. Sounds noble, doesn't it? But as property rights advocates and thousands of others have learned, environmental education promoted by the Department is usually one-sided and often plagued with inconsistencies as noted by many in the scientific and regulated communities.

The "citizen advocate" will be appointed by the Governor, and with the approval of the Secretary of Environmental Resources, will appoint attorneys and other "professional staff" as assistant advocates who may initiate proceedings involving environmental regulations. The bill additionally states that 5% of the moneys collected annually from fines and penalties shall be used for the continuation of "environmental education programs."

SB 1444 passed the Senate and was amended in the House of Representatives, to again be reviewed by the Senate; however, the legislative session ended prior to additional action taking place. It is safe to presume that the bill will be reintroduced in the next session. Members should make their state senators and representatives aware of the inequities this bill contains and voice their opposition to its enactment.

Posting for Support

A note of thanks for remembering your organization!

With the onset of deer season, the largest hunting season in Pennsylvania, it's important to remember that this is a premier

opportunity for landowners to promote education regarding land use issues while at the same time, supporting your organization with crucial funds needed to keep up the fight for property rights! Remember, our land is our most valuable asset in our struggle to retain our constitutional rights to use our land! Posting for Support is a unique way to reach those who otherwise would be unaware of the injustices now occurring with private property and yet maintain continued access to millions of acres of prime Pennsylvania hunting grounds! Remember, too, that a friend isn't a real friend if he doesn't wish to acknowledge your request for membership and join the cause for environmental conservation and protection of private property rights to use the land you are so graciously granting the use of!

NEED SIGNS? Call PLA at (814)796-3578!

Wetland Champions Reelected to Congress!

Reps. Tom Ridge and Jimmy Hayes vow to pursue wetland reforms!

Both Reps. Tom Ridge (R-PA) and Jimmy Hayes (D-LA) won upset reelections over their running mates in November's election. In the campaign of incumbent Tom Ridge, his running mate John Harkins was defeated by a margin of 67% to 33%. Thanks to all the PLA members and property rights activists who helped to support Tom through their volunteerism and donations. Radio advertisements on four northwestern Pennsylvania stations and 2 full page ads placed in the Erie Times by PLA helped to promote the efforts Tom has given in the struggle to uphold property rights in many areas, especially that of wetland reform. These efforts were undertaken after the National Wildlife Federation and Pennsylvania Federation of Sportsmen's Clubs initiated radio advertisements aimed at defeating Tom's reelection efforts because of his support for wetland reforms. Members' enthusiastic and generous support was appreciated by both Rep. Ridge and the PLA Board of Directors.

Incumbent Jimmy Hayes also won reelection against his opponents by a margin of 73% to 27%. Jimmy has been the Democratic co-author of H.R. 1330, the Comprehensive Wetlands Conservation & Management Act, along with Republican co-author Tom Ridge. Both congressmen vow to pursue their previous efforts in seeing that wetland reforms are enacted that will protect wetlands of true importance, but also protect the rights of the thousands of property owners who own nearly

80% of the wetlands in America. Both Congressmen believe that current regulations are in violation of the U.S. Constitution, which guarantees compensation when private property is taken for a public use, including through regulatory means.

Democrats Win Control In Both Congress and Pennsylvania's State Legislature

The November 3rd election revealed that the 103rd Congress, as well as Pennsylvania's state legislature, will continue to be controlled by the Democratic party. The U.S. House of Representatives will consist of a ratio of 259 (D) to 175 (R), while the U.S. Senate comes in at 58 (D) to 42 (R).

In Pennsylvania's state legislature, the outcome in the House of Representatives is 105 (D) to 98 (R) and 24 (D) to 26 (R) in the state senate.

The chart below depicts the 21 Congressional seats in Pennsylvania and those who were victorious in their reelection efforts.

1. South & Central Philadelphia	Foglietta (D)	81
	Snyder (R)	19
2. West Philadelphia	Blackwell (D)	77
	Hollin (R)	23
3. Northeast Philadelphia	Borski (D)	60
	Dougherty (R)	40
4. Beaver Falls	Johnston (R)	21
	Kosik (D)	79
5. Warren	Ciooper (R)	Unopp.
6. Reading	Holden (D)	52
	Jones (R)	48
7. Delaware/Montgomery	Weldon (R)	86
	Daly (D)	34
8. North Philadelphia Suburbs	Kostmayer (D)	47
	Greenwood (R)	53
9. Altoona	Shuster (R)	Unopp.
10. Scranton	McDade (R)	Unopp.
11. Wilkes-Barre	Kanjorski (D)	67
	Fescina (R)	33
12. Johnstown	Murtha (D)	Unopp.
13. Norristown	Fox (R)	50
	Mozvinsky (D)	50
14. Pittsburgh	Coyne (D)	73
	King (R)	27
15. Allentown/Bethlehem	Ritter (R)	47
	McHale	53
16. Lancaster	Walker (R)	65
	Peters (D)	35
17. Harrisburg	Gekas (R)	70
	Sturges (D)	30
18. McKeesport	Santoram (R)	61
	Pecora (D)	39
19. York/Carlisle	Goodling (R)	45
	Kilker (D)	34
	Humbert (I)	20
20. Washington	Murphy (D)	51
	Townsend (R)	49
21. Erie	Ridge (R)	67
	Harkins (D)	33

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"And it comes with a guaranteed exemption from the clean water act..."

Unless Environmental Regulations Begin Making Sense, You Might As Well Live In A Tree.

- Current environmental law allows agencies of the government to restrict, and often prevent the use of privately owned land — without compensation to the landowner.
- Every landowner needs to convince Congress that environmental law must respect individual property rights and economic opportunity.
- Join PLA and make sense out of environmental legislation.
- Tell a friend.

Please Enroll Me As A Member Of PLA To Help Secure The Right Of The Individual While We Respect The Environment

Name _____

Address _____

City, State, Zip _____

Phone # () _____

Fax # () _____

Acres Owned (If 0, please indicate) _____

County _____

Members are encouraged to participate in one of the following categories:

Individual membership \$25.00
Any individual supporter of private property rights.

Associate membership \$50.00
Not-for-profit organization supporting property rights issues.

Business membership \$100.00
Any business entity supporting the free enterprise system and the principle of private ownership.

Sustaining Associate Membership \$250.00
Inclusive of any corporate not-for-profit organization.

Corporate Membership -
Any corporation supporting the above classifications.

Sustaining \$ 500.00

Silver Club \$ 1,000.00

Gold Club \$ 5,000.00

Platinum Club \$10,000.00

Wetlands Videotape (VHS) Part I Part II
"Our Environment, Whose Property?"

\$15.00 Donation each
Please send me a copy of this limited edition PLA videotape.

"Posting For Support" program — Yes, I wish to become a participant in this program. Please send me _____ signs. I have enclosed 60¢ for each sign ordered.

PART — Political Action Response Team — Yes, I wish to participate in this program sponsored through PLA's national affiliate ECO. Please put me on the PART mailing list.

YES! I will help the PLA to continue its fight to put PEOPLE back into the environmental equation, and to uphold the principle of private land ownership. Please find enclosed my additional contribution of: _____

YES! I wish to subscribe to ECO-LOGIC, the monthly publication of the Environmental Conservation Organization. I understand ECO is a national property rights organization of which PLA is affiliated. I have enclosed \$15.00 for this annual subscription.

PLEASE NOTE: All Business and Corporate members will receive 12 complimentary issues of ECO-LOGIC with their paid membership dues.

■ Enclose form with check or money order payable to:
Pennsylvania Landowners' Association
P.O. Box 391
Waterford, PA 16441

Please allow up to 4 weeks for delivery of membership card.

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