



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

LANDOWNER

VOLUME V • NUMBER 2

JUNE 1992



Photo by: Linda Steiner courtesy of Penn Lines Magazine

Allegheny River Designated Under Wild & Scenic Rivers Act U.S. Senator Arlen Specter Hears Disappointment From PLA

On April 8, 1992, Senator Arlen Specter, apparently responding to a flood of letters from opponents of the proposed Concord Resources waste disposal project in Clarion County, reneged on his commitment to PLA to notify affected landowners and PLA of his intention to reintroduce S. 606, the bill designating 85 miles of the Allegheny River as recreational under the Wild and Scenic Rivers Act.

PLA had expressed concerns about the reintroduction of this bill to the Senator's staff and had received assurance that if it were to be reintroduced, a Senate hearing would be held to all persons who might be affected to express their views.

Implicit in this assurance was the commitment to notify PLA if and when the bill

was being reintroduced and when and where the hearing was to be held.

PLA had to learn from the media that Specter had, in fact reintroduced the bill without notifying PLA and that the hearing was held with only one person being invited to speak, a well-known and strong advocate of the river's designation.

Susan Becker from Specter's staff confirmed that the Senator had reacted to the "flood" of letters from opponents of the Concord Resources project, although earlier both Specter and freshman Senator Harris Wofford had expressed reservations about using the designation process under the Wild and Scenic Rivers Act to block a waste disposal project.

PLA is disheartened by the apparent willingness of elected representatives, such as Representative Bill Clinger and Senator Specter, to yield so quickly to political expediency when legislating in an area which can trample private property rights and believes the rights of Pennsylvania landowners should not be so cavalierly disregarded. Originally, PLA had been concerned that a designation would preclude or severely restrict the use and enjoyment of property without compensation. Now comes the dual concern that the entire process of environmental legislation can be subverted to serve the "agenda" of a very narrow interest group. It now appears that it is the number of letters, and not the merits of the proposal, that will influence our elected representatives.

A C T I V I S M

Portrait of an Activist



Mary Wirth
Executive Director, Allegheny
Hardwood Utilization Group

Mary Wirth is a wife and mother of two small children. She was instrumental in the formation of the Pennsylvania Forest Industry Association and recently accepted the position of Executive Director for the Allegheny Hardwood Utilization Group. Mary also serves as a regional director for PLA.

At some point in everyone's life there reaches a point where they are pushed to the wall, a point where to back off is to renege on one's values, a point where you can honestly say "I'm mad as hell and I'm not going to take it any more!" I reached that point several years ago and decided it was time to act, and I've been an activist ever since. I was recently awarded the American Pulpwood Association National Forestry Activist Award at their annual meeting in Orlando, Florida. The very fact that the award exists is evidence of the crisis the forest industry and other resource users and private landowners are facing. The American Pulpwood Association has recognized that it is going to take the efforts and ACTIONS of

each and every one of us to reverse the current preservationist trends in this country. Never has our input and response been so crucial.

Becoming an activist is not a spontaneous decision one makes. It is a process that begins with an awareness of an issue, and the acknowledgement that this issue is important to you and your basic personal beliefs. Next there must be an understanding of the issue which involves researching the facts and knowing exactly what it is you are supporting. Then there must be a conviction, a realization that this is not just something you agree or disagree with, but something that touches your values and morals and is worth standing up for. Only then can there be the commitment to action, a decision that you are willing to fight for this cause and dedicate a portion of your time and efforts to it.

When one has reached a commitment to action, there is NO limitation to what one person can accomplish. Yes, it takes hard work, and no, you can't change things overnight. But YOU can make a real difference. For me it was an awareness that an entire profession of hard-working, decent people were under such a vicious and unfounded attack by people they don't even know. I was amazed that the forest products industry was labeled as anti-environmental simply because they utilize a natural resource, a renewable resource at that! It was an added incentive that I perceived our livelihood and way of life being threatened. The tactics of hysteria and misinformation used by environmental groups was more than I could accept, thus I got involved in educating people on what forest management REALLY involves and dispelling the myths of environmental destruction.

I can say point blank I am NOT a timber baron or an anti-environmentalist. I simply believe in wise management and utilization of our natural resources, and I believe people ARE important. I encourage each and every one of you who are upset with the direction environmental groups are taking our country toward to get involved. I am totally convinced that the day we all take action is the day common sense will be put back into resource management in this country.



The Northwest Chapter of the Pennsylvania Land Surveyors met on May 12, 1992, in Marienville with PLA business member, Lynn Hofius, Lynn, also a member of the Surveyors Association, provided a videotape presentation of "Wetlands: Our Environment, Whose Property?" (Part II) "A Call to Action." The videotape proved to be a documented source of information and an educational resource for the surveyors, frequently confronted with the wetlands issue. Shown L to R are Bob Mushweck, Lynn Hofius, and Ron Fox.



In support of the American Cancer Society, The Pennsylvania Landowners' Association donated a 1/2 cord split, seasoned ash firewood for a recent fund raising event thanks to PLA member George Kirik (shown right). Al Cox (left) of Cox Family Auction, hosted the complimentary auction in Corry, Pennsylvania on April 22, 1992. PLA thanks all members who participated in this fund raiser. Their activism is met with much enthusiasm and approval from the community.

TO: Good Housekeeping Editor
RE: "Green Watch" April 1992 issue

I always find it interesting how people who don't have to make their living off the land are so quick to condemn those who do as having no respect for the earth and environment. You all must have unusual homes that do not use farmers' products or products of trees—a home and workplace with no wood or paper. No one wants to do away with the wetlands as pictured in your magazine. But when a landowner cannot use his land because 7 days out of the year it may have wet soil 18" below the surface, that is when the regulations are too restrictive. Before making a decision on an issue, make sure to look at BOTH sides of the issue.

Denise McColly, Ligonier, PA

Court Decisions Continue To Benefit Property Rights

Michigan Circuit Court Judge Gene Schnelz has ruled that a woodlands ordinance is unconstitutional, saying that the right of private property owners to use their property is one of the basic freedoms on which the United States is based.

The dispute began when two private property owners in West Bloomfield Township removed trees on property they own. The township sued them under the woodlands ordinance, and a countersuit was filed claiming that the woodlands ordinance violated property development rights.

Judge Schnelz ruled against West Bloomfield, and observers termed the decision a victory for economic rights over environmental regulations.

Counsel for the property owners said that in striking down West Bloomfield's ordinance as unconstitutional the Oakland County judge was stating that the language of such ordinances cannot be vague or overbroad, lack definite standards, or be incapable of being rationally administered.

"In our rush to protect what has been construed as our 'fragile' environment, we must never forget such basic rights. It is why such legislation must be precise with definite standards and proper protection for the property owner," said Judge Schnelz.

The decision is being appealed by West Bloomfield Township.

In another case, a Florida landowner may be paid \$175,000 because the county's wetland law kept him from using his property. Seminole Circuit Judge O.H. Eaton recently ruled that the county wetland restrictions basically condemned Martin Chira's property. The land is in the environmentally prized Spring Hammock and abuts an industrial area. The judge ruled that the county can pay Chira \$175,000 for five acres or water down the wetlands law so Chira can build.

Chira purchased 17 acres in 1974 and sold off 12 acres for \$435,000. When he

attempted to sell the remaining five acres in 1987, the county had enacted a wetlands law and he could build on only one-half acre.

Chira's attorney said the county's indifference to property rights has allowed over-regulation of property, businesses and private life.

The U.S. Seventh Circuit Court of Appeals in Chicago recently ruled that the Environmental Protection Agency overstepped its authority when it fined a developer for filling in a depression in a 48-acre cornfield. This decision restricted the federal government's right to regulate certain wetlands. The ruling, *Hoffman Homes, Inc. v. EPA*, is significant because the court found that some wetlands may fall outside of federal control if they are "isolated" or not directly associated with a river or lake. The ruling also rejects arguments that the Commerce Clause of the U.S. Constitution, which empowers the federal government to regulate interstate trade, gives federal agencies the right to regulate such "isolated" wetlands simply because they may be used by migratory birds "as a stop-over" on the way to winter habitat.

H.B. 496, The Nutrient Management Act, recently passed the state House of Representatives and is now in the Senate Agriculture Committee awaiting release. PLA was recently contacted by the Family Farm Movement based in Lancaster county regarding their concerns with the bill which led to the association's review of the current proposal.

H.B. 496 was designed to control pesticides, fertilizers, manure and other nutrients being applied in excessive amounts to prevent pollution of ground water and aid in the clean up of the Chesapeake Bay. PLA and many others are concerned and wondering if yet more regulation is the answer to higher water quality and pollution control measures. The association recently informed several key members of the Senate Ag Committee of its concerns, stating that "there are a host of regulations already in place which allow federal, state, and local agencies the ability to fine individuals actually causing pollution. Enacting additional legislation would merely add to the already existing quagmire of regulations currently protecting the state's water resources."

PLA believes farmers should be given the opportunity to enact voluntary management plans coordinated through private consulting firms. Mike Brubaker, an agronomist and president of Brubaker Agronomic Consulting Service, Inc., recently stated "Regulations would be okay if they were properly written and intelligently implemented." However, he emphasizes that "farmers are currently adopting new technology that is helping the environment on a voluntary basis. They have in the past and production agriculture will continue to be responsive to new technology that will improve profitability."

Pointing to the last five years since the Chesapeake Bay agreement was initiated, he cites the fact that "phosphorus levels are declining without regulations" acknowledging that phosphorus has already been reduced by 18 to 20 percent. "That's extremely significant," notes Baker, adding that "there is a very significant trend indicating farmers are making voluntary changes themselves as new information becomes available. They've also adopted nitrogen soil testing on a voluntary basis."

As currently written, the bill would designate the Department of Environmental Resources as the agency responsible for implementing and enforcing the bill, instead of placing authority with the Pennsylvania Department of Agriculture. Additionally, the bill would allow the DER power to establish mandates as to when and how a farmer or other landowner could apply fertilizers and animal manure. Such dictation would prove to be disastrous for farmers.

Representative John Barley (R-Lancaster) was an original cosponsor of the bill but has since withdrawn his support stating he was left out of negotiation meetings. Barley, who is also a master farmer, stated, "This is a total blank check to DER to have total control over farmers' operations."

Those concerned with H.B. 496 may contact the association office or write to their state senator as well as to: Honorable Edward Helfrick, Chairman, Senate Agriculture Committee, P.O. Box 27, Main Capitol Building, Harrisburg, PA 17120.

Landowners Face Nutrient Dilemma

One Of The Reasons It Never Ends

By Henry Ingram, Esq.

We all know that environmental regulations can have dramatic and often devastating impacts on landowners and land use and development. Story after story is told about some poor citizen who has become ensnared in a regulatory problem which defies solution on any rational basis. I have often heard the words "stunned," "astonished" and "outraged" used by people to describe the abusive conduct or arrogant attitude of an environmental regulator. I am sure readers of these pages are often struck with the thought "can this really be happening in Pennsylvania or America?"

When hearing about someone losing the right to use his land or being hit with an excessive penalty, a normal reaction is to think: "Something is really wrong here. I'll call my legislator and ask him to look into the situation." How many times has the response been "I've never heard of such a program. I'll look into it and get back to you" or "It couldn't be, that just doesn't sound right." When the legislator does get back to you, how many times have you heard: "I don't agree with it but my hands are tied, it's a DER regulation."

The normal reaction at this point is "Well, if we don't like it and he doesn't like it and he is our representative, why doesn't he do something about it?" Readers of the *Landowner* will also think to themselves "Isn't that just what PLA convinced Tom Ridge to do on the wetlands issue and aren't Tom and Jimmy Hayes championing our cause in Congress?" The readers are right but should not be lulled into a false sense of security or go back to sleep. The outrage about some new horror story should not be forgotten because of this one example of something really being done about excessive or abusive environmental regulations.

Instead, readers should stay awake and alert. First, wetlands reform legislation embodied in H.R. 1330 has not passed.

Powerful and influential interests oppose it and the ultimate resolution of the current Congressional debate about wetlands is in doubt. Much work remains to be done and supporters of this legislation must keep the pressure on. Readers also should keep in mind that the battle on the wetlands issue has been raging for at least three years and the outcome is still uncertain. Although organizations such as PLA have energized hundreds of thousands of ordinary citizens and focused public attention on the wetlands issue, anti-development, preservationist forces, although "slowed down" to some extent on wetlands, haven't given up and are pressing their agenda on other fronts.

For example, most readers are familiar with well publicized legislative and regulatory initiatives, long advocated by the preservationist lobby, such as the Endangered Species Act, the Wild and Scenic Rivers Preservation Act and the Rails to Trails Act. All the regulatory programs being implemented and even expanded under these federal statutes carry the potential to impose more restrictions on the use of private property and prohibit development of more land and other natural resources.

Similar legislative and regulatory initiatives are emerging continually at the state and even the local government level. For example, the Pennsylvania Department of Environmental Resources is developing regulations that would allow anti-development preservationists to petition the Environmental Quality Board to have areas in Pennsylvania declared off limits for extraction of sand and gravel and quarrying operations. Additionally, the Fish Commission continues to press to have Pennsylvania streams designated as Exceptional Value Waters just so, under DER policies, no permits will be issued for any kind of development. At the local level, anti-development, preservationist groups are seeking to create "environmental compacts" or con-

servation districts to add another layer of bureaucracy, enviro-regulation and to shackle the use of private property.

It seems that at almost every turn, we run into some new "environmental" initiative or regulatory proposal which affects us as landowners. In the majority of situations, the land use or activity being limited or prohibited is not causing pollution or harming the natural environment. More often than not, the initiative or proposal seems to be based on someone's (usually a stranger's) preference or whim as to how our property should be used or developed.

Much of this anti-development/preservationist activity is encouraged and nurtured by organizations which ordinary citizens and landowners may recognize by name but know little else about. Without getting into questions of their motivation, philosophy or even their political agenda, the purpose here is to focus the reader's attention on some vital facts and information about certain aspects of these organizations.

What follows are "capsule" profiles of five environmental organizations (among literally scores of others which have essentially the same preservationist philosophy) which are considered by many observers to be the most powerful and effective.¹ These organizations are generally considered by legislators and regulators to be in the mainstream, responsible and qualified to participate in the public debate on environmental issues. To put it succinctly, their often strident voices are listened to by public policy decision-makers.

(continued on page 6)

1. Information regarding these organizations appeared in *CoalVoice*, January/February 1992, Vol. 15:1, and is reproduced here with permission of its publisher, The National Coal Association. The reader's attention is specifically directed to the numbers: the budget, staff and membership of each organization.

National Wildlife Federation

Annual Budget
\$92 million

Top Executive's Salary
\$200,000

Staff
608

Members
5.5 million members and supporters

Annual Dues
\$15.00

Founded
1936

Headquarters
Washington, D.C.

Organization Profile

Largest traditional environmental group in the nation and the richest.

Recent Claim to Fame

Worked with Bush administration to create "no net loss" policy for protecting wetlands.

Techniques

Spreads the message to young and old through at least seven periodical publications with circulation of at least 2 million; these include National Wildlife, International Wildlife, Ranger Rick for children and Your Big Backyard for preschoolers.

Environmental Defense Fund

Annual Budget
\$18.2 million

Top Executive's Salary
\$125,000

Staff
140

Members
225,000

Annual Dues
\$20.00 and up

Founded
1967

Headquarters
New York, NY

Organization Profile

Early landmark victory: DDT ban in 1972; current slogan: "The Power of Positive Solution."

Interesting Info

Netted \$40 million in donated, public-service advertising in three-year campaign on recycling in conjunction with the Advertising Council.

Best Claim to Fame

Developed the key provisions of the acid rain control package of the Clean Air Act Amendments of 1991. Launched consumer boycott of disposable diapers.

Techniques

Uses litigation, public service media campaigns, boycotts and cooperative efforts with business to achieve goals.

National Resources Defense Council

Annual Budget
\$16 million

Top Executive's Salary
\$120,000

Staff
150

Members
170,000

Annual Dues
\$10.00

Founded
1970

Headquarters
New York, NY

Organization Profile

Environmental movement's equivalent of a blue chip Wall Street law firm.

Recent Claim to Fame

Efforts to block oil drilling along the California and Florida coasts led to a 10-year moratorium on off-shore drilling.

Prevailed over U.S. Forest Service plans to clearout and sell timber in national forests in Virginia.

Techniques

Use the power of the courts to function as ad hoc environmental protection agency.

(continued from page 4)

SIERRA CLUB

Annual Budget

\$35 million

Top Executive's Salary

\$86,000

Staff

325

Members

650,000

Annual Dues

\$35.00 with discounts for students and seniors

Founded

1892

Headquarters

San Francisco, CA

Organization Profile

The Sierra Club is the most free-wheeling lobbying and political apparatus of any of the environmental groups.—The Washington Post.

Interesting Info

Political action contributions to candidates in 1989 – 1990 totaled \$487,000.00.

Recent Claim to Fame

Worked as the lead floor lobbyists on the Clean Air Act Amendments. Current conservation campaign includes preventing the drilling of oil wells in the Arctic National Refuge. Worked with Bush administration to create "no net loss" policy for protecting wetlands.

Techniques

Strong grassroots philosophy, backed by 57 local chapters and 386 affiliate groups. Conservation campaign or issue agenda developed every two years by 15-member, unpaid board of directors which meets seven times a year.

SIERRA CLUB LEGAL DEFENSE FUND

Annual Budget

\$9.3 million

Top Executive's Salary

\$132,916

Staff

80

Members

150,000

Annual Dues

None (but \$10 minimum contribution to receive quarterly newsletter)

Founded

1971

Headquarters

San Francisco, CA

Organization Profile

Has been referred to by other groups as "the Great Litigating Arm of the Conservation Movement."

Interesting Info

Efforts led to recommendations for/or listings as endangered species in 1990: the silver rice rat, marbled murrelet; and sockeye salmon.

Extracted agreement from the Fish and Wildlife Service to add 150 kinds of native California plants to endangered species list during next four years.

Recent Claim to Fame

Representing plaintiffs in the spotted owl case to stall old-growth logging in federal forests in Oregon, Washington and Northern California.

Techniques

The history of the group has been to sue and sue often. At least 30 law suits are brought annually, mostly against the government and not in its own name. The 1991-1992 docket includes at least 200 active cases.

It is enough to say here that the reason for existence of these organizations is to design, initiate, promote, advocate and implement the anti-development, preservationist agenda in the United States. They are powerful, effective, influential and well funded.² What is alarming is that, generally speaking, large segments of the public don't fully understand their methods of operation or the extent of their influence.

Any person who believes in limited government should be very concerned about the influence and agenda of these organizations. There is a real risk that organizations such as PLA and other advocates of individuals' rights to use and develop private property, will be overwhelmed. Obviously, advocates of landowners' rights are currently being outspent and outshouted by the anti-development preservationist lobby. There may be a very serious mismatch in the public debate which will inform decision-making on critical environmental issues and policy.

In the circumstances, readers should abandon any thought of going back to sleep. Instead, stay alert and be prepared to recognize anti-development initiatives and defend yourselves against further restrictions on the use of your property. Above all, please continue and expand your support of organizations such as PLA which focus and advocate your interests and amplify the voices of all Pennsylvania landowners.

2. The national organizations profiled here have branches, sister entities and affiliates in Pennsylvania, all with members and separate funding.

Henry Ingram has practiced natural resources and environmental law in Pennsylvania for over twenty years. He is a member of Buchanan Ingersoll law firm and with John Ward, represents the Association in legal matters. Questions regarding this article or any other environmental matter may be directed to Mr. Ingram in Pittsburgh at (412) 562-1695 or Mr. Ward in Harrisburg at (717) 237-4815.

To sin by silence when they should protest makes cowards out of men.

— Abraham Lincoln

Bills to Work

Information provided by and reprint courtesy of:
 Fairness to Landowners Committee, Cambridge, Maryland
 Peggy Reigle, Chairman

June 1992

**We must push for the passage of the following bills before the election,
 if we are to resuscitate the 5th Amendment!!! See Page 4 for Action Needed.**

W –Comprehensive Wetlands Conservation & Management Act (S 1463 & HR 1330)

P –Private Property Rights Act (S 50 & HR 1572)

N –No Net Loss of Private Lands Act (S 2326 & HR 1439)

W, P & N – Denotes co-sponsors *W, P & N – Denotes authoring sponsors*

ALABAMA

Sen. Heflin -D P
 Shelby -D WP
 Rep. Bevill -D
 Browder -D
 Callahan -R W
 Cramer -D
 Dickinson -R W
 Erdreich -D
 Harris -D WP

ALASKA

Sen. Murkowski -R WP N
 Steverns -R WP N
 Rep. Young -R WP N

ARIZONA

Sen. DeConcini -D P
 McCain -R P
 Rep. Kolbe -R W
 Kyl -R WP
 Pastor -D
 Rhodes -R WP
 Stump -R WP

ARKANSAS

Sen. Bumpers -D P
 Pryor -D P
 Rep. Alexander -D W
 Anthony -D W
 Hammerschmidt -R WP
 Thornton -D

CALIFORNIA

Sen. Cranston -D
 Seymour -R P
 Rep. Anderson -D
 Beilenson -D
 Berman -D
 Boxer -D
 Brown -D
 Campbell -R P
 Condit -D WP
 Cox -R W
 Cunningham -R W
 Dannemeyer -R WP
 Dellums -D
 Dixon -D
 Dooley -D

CALIFORNIA (Cont'd)

Rep. Doolittle -R WP
 Dornan -R W
 Dreier -R
 Dymally -D
 Edwards -D P
 Fazio -D
 Gallegly -R W
 Herger -R WP
 Hunter -R W
 Lagomarsino -R WP N
 Lantos -D
 Lehman -D
 Levine -D
 Lewis -R W
 Lowery -R P
 Martinez -D
 Matsui -D
 McCandless -R W
 Miller -R
 Mineta -D
 Moorhead -R
 Packard -R WP N
 Panetta -D P
 Pelosi -D
 Riggs -R
 Rohrabacher -R P
 Roybal -D
 Stark -D
 Thomas -D WP
 Torres -D
 Waters -D
 Waxman -D

COLORADO

Sen. Brown -R P
 Wirth -D
 Rep. Allard -R WP
 Campbell -D W
 Hefley -R W
 Schaefer -R WP
 Schroeder -D
 Skaggs -D

CONNECTICUT

Sen. Dodd -D
 Liberman -D

CONNECTICUT (Cont'd)

Rep. DeLauro -D
 Franks -R
 Gejdenson -D
 Johnson -R
 Kennelly -D
 Shays -R

DELAWARE

Sen. Biden -D
 Roth -R
 Rep. Carper -D

FLORIDA

Sen. Graham -D
 Mack -R P
 Rep. Bacchus -D
 Bennett -D
 Bilirakis -R
 Fascell -D
 Gibbons -D
 Goss -R
 Hutto -D W
 Ireland -R WP
 James -R
 Johnston -D
 Lehman -D
 Lewis -R P
 McCollum -R
 Peterson -D
 Ros-Lehtinen -R
 Shaw -R
 Smith -D
 Sterns -R
 Young -R

GEORGIA

Sen. Fowler -D
 Nunn -D P
 Rep. Barnard -D W
 Darden -D
 Gingrich -R W
 Hatcher -D
 Jenkins -D
 Jones -D W
 Lewis -D
 Ray -D
 Rowland -D

W -Comprehensive Wetlands Conservation and Management Act (S 1463 & HR 1330)
P -Private Property Rights Act (S 50 & HR 1572)
N -No Net Loss of Private Lands Act (S 2326 & HR 1439)

GEORGIA (Cont'd)		IOWA (Cont'd)		MASSACHUSETTS (Cont'd)
Rep. Thomas -D		Rep. Nagle -D		Rep. Kennedy -D
HAWAII		Nussle -R	W	Markey -D
Sen. Akaka -D		Smith -D		Mavroules -D
Inouye -D	W	KANSAS		Moakley -D
Rep. Abercrombie -D		Sen. Dole -R	P	Neal -D
Mink -D		Kassebaum -R		Olver -D
IDAHO		Rep. Glickmen -D	P	Studds -D
Sen. Craig -R	W P N	Meyers -R		MICHIGAN
Symms -R	W P N	Nichols -R	W P	Sen. Levin -D
Rep. LaRocco -D		Roberts -R	W P	Riegle -D
Stallings -D	P	Slattery -D	W P	Rep. Bonior -D
ILLINOIS		KENTUCKY		Broomfield -R
Sen. Dixon -D	P	Sen. Ford -D		Camp -R
Simon -D		McConnell -R	W	Carr -D
Rep. Annunzio -D		Rep. Bunning -R	W P	Collins -D
Bruce -D	W P	Hopkins -R	W	Conyers -D
Collins -D		Hubbard -D	W P	Davis -R
Costello -D	W	Mazzoli -D	W	Dingell -D
Cox -D		Natcher -D	W	Ford -D
Crane -R	W	Perkins -D		Henry -R
Durbin -D	W	Rogers -R	W P	Hertel -D
Evens -D		LOUISIANA		Kildee -D
Ewing -D	W	Sen. Breaux -D	W P	Levin -D
Fawell -R	N	Johnston -D	W	Pursell -R
Hastert -R	W	Rep. Baker -R	W P	Traxler -D
Hayes -D		Hayes -D	W P	Upton -R
Hyde -R	W	Holloway -R	W	Vender Jagt -R
Lipinski -D	W	Huckaby -D	W P	Wolpe -D
Michel -R	W	Jefferson -D	W	MINNESOTA
Porter -R		Livingston -R	W P	Sen. Durenberger -R
Poshard -D	W	McCrary -R	W	Wellstone -D
Rostenkowski -D		Tauzin -D	W P	Rep. Oberstar -D
Sangmeister -D		MAINE		Penny -D
Sangmeister -D		Sen. Cohen -R		Peterson -D
Savage -D		Mitchell -D		Ramstad -R
Yates -D		Rep. Andrews -D		Sabo -D
INDIANA		Snowe -R		Sikorski -D
Sen. Coats -R	P	MARYLAND		Vento -D
Lugar -R	P	Sen. Mikulski -D		Weber -R
Rep. Burton -R	W P	Sarbanes -D		MISSISSIPPI
Hamilton -D		Rep. Bentley -R	W	Sen. Cochran -R
Jacobs -D	P	Byron -D	P	Lott -R
Jontz -D		Cardin -D		Rep. Espy -D
Long -D		Gilchrest -R		Montgomery -D
McCloskey -D		Hoyer -D		Parker -D
Myers -R	W	McMillen -D		Taylor -D
Roemer -D		Mfume -D		Whitten -D
Sharp -D		Morella -R		MISSOURI
Visclosky -D		MASSACHUSETTS		Sen. Bond -R
IOWA		Sen. Kennedy -D		Danforth -R
Sen. Grassley -R	P	Kerry -D		Rep. Clay -D
Harkin -D		Rep. Atkins -D		Coleman -R
Rep. Grandy -R	W P	Donnelly -D		Emerson -R
Leach -R	W	Early -D		Gephardt -D
Lightfoot -R	W P	Frank -D		Hancock -R

Times - News

Environmental backlash

Groups are fighting government regulations

By JOHN BARTLETT
Times-News staff writer

May 10, 1992

The Pennsylvania Landowners Association headquarters in Waterford is more than a group opposed to wetlands regulation, the issue that led to its creation and brought it wide attention.

"Wise Use"

Today it is one of several groups in the region that have formed alliances with the so-called "wise use movement," a nationwide, political organization that is challenging environmental laws and the environmental movement.

A special report

The groups use a variety of terms — wise use, multiple use, property rights — but share a common philosophy and grassroots organizational structure. They

claim the environmental movement has gone too far, is trampling individual rights, strangling the economy and threatening whole communities.

"Property rights, wise use, multiple use — pretty much they are all the same thing, people responding to problems," said Rhonda McAtee, executive director of the PLA. "Environmental laws and environmentalists have gone too far. They put birds and bees before human beings and the rights of people. People are part of the environment too. That's what we are about."

For Denise of the Free Enterprise System and movement guru, said the wise use movement is an exact parallel of the environmental movement.

"You can not join the wise use movement anymore than you can join the environmental movement. You join a specific organization. We are a movement that believes the environmental movement has gone too far. We offer an alternative that says people count," Arnold said.

To mainstream environmental groups, the movement represents a return to the bad old days of environmental abuse.

"The wise use movement is a threat to all the environmental progress that has been made and also to any progress we would hope to make in the future. Behind it all is an attempt to undo the progress of the last 20 years," said Jeff Schmidt of the Sierra Club's environmental lobby.

McAtee says that is untrue. She said the movement — including the PLA, the Allegheny National Forest Wise Use Coalition, the Pennsylvania Wetlands Protection Coalition and various national organizations — involves "people responding to problems."

"You would not see such a huge national movement grow so quickly if there were not very major problems. We all need environmental laws, but like so many things, they have gone too far," McAtee said.

Mary Wirth, founder of the Allegheny National Forest Wise Use Coalition, said "Anyone who has anything to do with natural resources is under attack. By the time the American public becomes aware it will be too late."

Wirth, who is also a PLA regional director and executive director of the Allegheny Hardwoods Utilization Group, added, "Our groups are totally reactive groups. We formed because of threats to our existence."

Wirth said she became a movement activist because

"I see my family's future and our communities being threatened. I see environmental groups attacking my religious beliefs, my constitutional beliefs and my future. — That's exactly why I got involved. This is a very emotional issue to me."

The PLA was a seminal force in this new activism. Wetlands regulations were the founding issue, but the PLA now takes on a host of other environmental issues it sees as threats to private property rights, individual liberties and economic growth.

Those issues range from opposition to the designation of 85 miles of the Allegheny River in Warren, Forest and Venango counties as recreational river in the federal Wild and Scenic Rivers system to calls for drastic changes in the Endangered Species Act.

"The problems we have are where environmental laws are seeking preservation rather than conservation. They are all aimed at a natural pristine state. That is what many environmentalists want," said McAtee.

From McAtee's perspective, land and resources — public and private — need to be used to the benefit of man, including economic benefit. The PLA spawned the Pennsylvania Wetlands Protection Coalition;

helped form the Environmental Conservation Organization, a nationwide networking and information center for property rights, land use and wise use groups; and has forged links with dozens of other organizations.

At its meetings literature and information on other groups has been distributed. Among the recent distributors was one for the Abundant Wildlife Society of North America.

The Abundant Wildlife Society opposes the broad protections given raptors, wolves and many other predators and claims as one of its tenets support of logging, grazing, mining and multiple use of all public lands. It also claims most environmental groups are "anti-God, anti-American and anti-gun."

Although the Abundant Wildlife Society's position may be somewhat extreme, it is not unusual for people in the wise use movement to challenge environmentalists on religious grounds.

McAtee cited the currently popular children's movie "Fern Gully," noting it serves as environmental propaganda and that its portrayal of trees and forest creatures as having spirits is not within the American religious mainstream and is offensive to some. "It gives the perception that trees and animals are given equal val-

ue as human life," she said.

Wirth cited the support among environmental groups for population controls and population reduction as leading to an extremist position on the value of man that is not within the religious mainstream.

And both are quick to claim the environmental movement is not supportive or does not believe in the American free enterprise system.

Richard J. Kubiak, Mercyhurst College professor and long-time local environmental activist, is an outspoken critic of the PLA and broader wise use movement in the region.

"It's a new phenomenon, but I think it is an old beast in new clothing," Kubiak said. "It is the same old assault against environmentalism, but one that has taken on a different tone and is trying to cloak itself in the legitimacy of the grass roots."

Kubiak said that despite the grassroots image, the PLA and other wise use movement groups are in reality the same commodity users and industries that have long battled environmental controls.

"By wrapping themselves in the flag and issues like property rights they are trying to give the impression that environmental movement and regulatory agencies are doing something wrong, something un-American," Kubiak said.

The PLA, ECO, Allegheny National Forest Wise Use Coalition and others do have lengthy lists of business and industry members and supporters. McAtee, however, said she takes offense at the charge that the PLA and the other groups are nothing but a front for powerful businesses and industries.

"I've always found that charge bizarre," McAtee said. "We are people, individuals, and besides, industry has rights too. Doesn't an industry merit the same rights as any other land owner? Private property is private property."

W -Comprehensive Wetlands Conservation and Management Act (S 1463 & HR 1330)
P -Private Property Rights Act (S 50 & HR 1572)
N -No Net Loss of Private Lands Act (S 2326 & HR 1439)

MISSOURI (Cont'd)

Rep. Horn -D
 Skelton -D WP
 Volkmer -D WP
 Wheat -D

MONTANA

Sen. Baucus -D
 Burns -R WP N
 Rep. Marlenee -R WP
 Williams -D

NEBRASKA

Sen. Exon -D
 Kerrey -D
 Rep. Barrett -R WP
 Bereuter -R
 Hoagland -D

NEVADA

Sen. Bryan -D
 Reid -D
 Rep. Bilbray -D
 Vucanovich -R W N

NEW HAMPSHIRE

Sen. Rudman -R
 Smith -R P
 Rep. Swett -D
 Zeff -R W

NEW JERSEY

Sen. Bradley -D
 Lautenberg -D
 Rep. Andrews -D P N
 Dwyer -D
 Gallo -R
 Guarini -D
 Hughtes -D
 Pallone -D
 Payne -D
 Rinaldo -R
 Roe -D
 Roukema -R N
 Saxton -R P N
 Smith -R
 Torricelli -D
 Zimmer -R

NEW MEXICO

Sen. Bingaman -D
 Domenici -R P
 Rep. Richardson -D
 Schiff -R P
 Skeen -R WP N

NEW YORK

Sen. D'Amato -R
 Moynihan -D
 Rep. Ackerman -D
 Boehlert -R
 Downey -D
 Engel -D

NEW YORK (Cont'd)

Rep. Fish -R
 Flake -D
 Gilman -R W
 Green -R
 Hochbrueckner -D
 Horton -R WP
 Houghton -R W
 LaFalce -D WP
 Lent -R W
 Lowey -D
 Manton -D
 Martin -R WP
 McGrath -R
 McHugh -D
 McNulty -D W
 Molinari -R
 Mrazek -D
 Nowak -D
 Owens -D
 Paxon -R W
 Rangel -D
 Scheuer -D
 Schumer -D
 Serrano -D
 Slaughter -D
 Soar -D
 Solomon -R WP
 Towns -D
 Walsh -R
 Weiss -D

NORTH CAROLINA

Sen. Helms -R WP N
 Sanford -D
 Rep. Ballenger -R WP
 Coble -R W
 Hefner -D WP
 Jones -D W
 Lancaster -D W
 McMillan -R W
 Neal -D
 Price -D
 Rose -D W
 Taylor -R W
 Valentine -D W

NORTH DAKOTA

Sen. Burdick -D
 Conrad -D P
 Rep. Dorgan -D W

OHIO

Sen. Glenn -D
 Metzenbaum -D
 Rep. Applegate -D WP
 Boehner -R W
 Eckart -D
 Feighan -D

OHIO (Cont'd)

Rep. Gillmor -R WP
 Gradison -R
 Hall -D
 Hobson -R W
 Keptur -D
 Kasich -R
 Luken -D
 McEwen -R WP
 Miller -R W
 Oakar -D
 Oxley -R WP
 Pease -D W
 Regula -R
 Sawyer -D
 Stokes -D
 Traficant -D WP
 Wylie -R W

OKLAHOMA

Sen. Boren -D P
 Nickles -R WP
 Rep. Brewster -D WP
 Edwards -R WP
 English -D P
 Inhofe -R WP
 McCurdy -D
 Synar -D

OREGON

Sen. Hatfield -R P
 Packwood -R WP N
 Rep. AuCoin -D
 DeFazio -D
 Kopetski -D
 Smith -R WP N
 Wyden -D

PENNSYLVANIA

Sen. Specter -R P
 Wofford -D
 Rep. Blackwell -D
 Borski -D
 Clinger -R W
 Coughlin -R
 Coyne -D
 Foglietta -D
 Gaydos -D
 Gekas -R W
 Goodling -R WP
 Kanjorski -D
 Kolter -D W
 Kostmayer -D
 McDade -R WP
 Murphy -D W
 Murtha -D
 Ridge -R WP
 Ritter -R WP
 Santorum -R W

W - Comprehensive Wetlands Conservation and Management Act (S 1463 & HR 1330)**P - Private Property Rights Act (S 50 & HR 1572)****N - No Net Loss of Private Lands Act (S 2326 & HR 1439)****PENNSYLVANIA (Cont'd)**

Rep. Schulze -R
Shuster -R WP
Walker -R WP
Weldon -R
Yatron -D P

RHODE ISLAND

Sen. Chafee -R
Pell -D
Rep. Machtley -R
Reed -D

SOUTH CAROLINA

Sen. Hollings -D P
Thurmond -R WP
Rep. Derrick -D W
Patterson -D
Ravenel -R
Spence -R W
Spratt -D
Tallon -D WP

SOUTH DAKOTA

Sen. Daschel -D
Pressler -R W
Rep. Johnson -D P

TENNESSEE

Sen. Gore -D
Sasser -D
Rep. Clement -D W
Cooper -D
Duncan -R WP N
Ford -D
Gordon -D WP
Lloyd -D
Quillen -R WP
Sundquist -R WP
Tanner -D W

TEXAS

Sen. Bentsen -D W
Gramm -R WP
Rep. Andrews -D
Archer -R
Arney -R W
Barton -R W
Brooks -D W
Bryant -D
Bustamante -D W N
Chapman -D WP
Coleman -D
Combest -R WP
de la Garza -D P
DeLay -R W
Edwards -D W
Fields -R WP
Frost -D
Geren -D WP
Gonzalez -D

TEXAS (Cont'd)

Rep. Hall -D W
Johnson -R
Laughlin -D WP
Ortiz -D W
Pickle -D
Sarpalius -D W
Smith -R WP
Stenholm -D WP
Washington -D
Wilson -D WP

UTAH

Sen. Garn -R WP
Hatch -R WP N
Rep. Hansen -R WP N
Orton -D W
Owens -D

VERMONT

Sen. Jeffords -R
Leahy -D
Rep. Sanders -I

VIRGINIA

Sen. Robb -D
Warner -R
Rep. Allen -R
Bateman -R WP
Bliley -R WP
Boucher -D
Moran -D
Olin -D WP
Payne -D WP
Pickett -D WP
Sisisky -D W
Wolf -R

WASHINGTON

Sen. Adams -D
Gorton -R P
Rep. Chandler -R WP
Dicks -D

WASHINGTON (Cont'd)

Rep. Foley -D
McDermott -D
Miller -R
Morrison -R W
Swift -D W
Unsoeld -D

WEST VIRGINIA

Sen. Byrd -D
Rockefeller -D
Rep. Mollohan -D
Rahall -D
Staggers -D
Wise -D

WISCONSIN

Sen. Kasten -R
Kohl -D
Rep. Aspin -D
Gunderson -R W
Kleczyk -D
Klug -R
Moody -D
Obey -D
Petri -R P
Roth -R W
Sensenbrenner -R WP

WYOMING

Sen. Simpson -R WP N
Wallop -R WP N
Rep. Thomas -R WP N

WASHINGTON, DC

Del. Norton -D

AMERICAN SAMOA

Del. Faleomavaega -D

GUAM

Del. Blaz -R W

PUERTO RICO

Del. Colorado -D

VIRGIN ISLANDS

Del. delLugo -D

TALLY OF ALL CO-SPONSORS (3-27-92):

Wetlands Reform	S 1463	25
	HR 1330	174
Private Property Rights	S 50	42
	HR 1572	108
No Net Loss of Private Property	S 2326	11
	HR 1439	14

ACTION NEEDED - IT'S UP TO YOU!

Write and call your Senators and Congressman:

Urge support and thank those who are on the Bills.

VOTES NEEDED TO PASS THESE BILLS - Senate 51
House 218

Call the U.S. Capitol Switchboard at: (202) 224-3121

and ask for the office of the Congressman or Senator you wish to speak to. Ask to speak to the staff person in charge of wetlands or property rights issues.

Being an immigrant from Switzerland and having learned how to stand on my own two feet at an early age, I strived for the so-called American dream: not so much to get rich, but to live a comfortable life, like owning a nice home and having my own small business.

Fair isn't it?

After working and struggling for 41 years to achieve this goal, all my dreams are in jeopardy due to government interference or outright maliciousness by government agencies and their employees. It is pathetic that these people are totally immune to lawsuits and can have so much power to totally destroy the life of my family.

After starting my own machine shop in my garage in 1963, I managed by 1968 to save a down payment for a small lot to eventually build my own little shop close to my home. All went well until I tried to get a building permit from our town of East Hanover, NJ. Being that the lot was in low land, or what they now call wetlands (which I still dispute to this day), the town refused to allow a septic system—even a closed unit. I was told "wait until the sewer comes in very shortly." That was in 1972. In 1978 the sewer system was finally constructed and I again applied for the building permit. Once again, all was not well. First, the town had changed the zoning without my knowledge. After some nine months with the planning board and lots of money for a lawyer, they finally changed the zoning back to business. I thought we were back in business. Not so; the town decided that the lot was too small and offered to sell me an adjacent lot which the township owned. I had no other choice but to go deeper into debt and buy the additional lot.

Then, to get a building permit, it was necessary to hire an engineering firm and an environmental consultant for the varied permits (again lots of expenses). Having obtained the permits of the DEP, the soil conservation agency, the township, and various other agencies to fill the land to township specifications, I finally obtained the fill (lots of money), and was ready to get the actual building permit. Not so; less than two weeks after the last load of fill was placed, I received a citation from the Army Corps of Engineers for illegally filling wetlands. None of the agencies nor the town nor the so-called expert consultant had told me that an Army Corps permit was needed. After all this trouble to get this far, I am labeled a criminal for breaking the law.

Trying to get an "after-the-fact permit" proved to be a total nightmare and also useless. After again spending lots of money for an attorney and a consultant, the proper permits were filed. I held several personal meetings with an official of the Army Corps and was encouraged to proceed. I wanted to do the right thing. All this took a time span of 3 or 4 years. These

IS IT FAIR?

By: Albert Wettstein, Bath, PA

people do not work very fast. At that point the Fish and Wildlife Agency got into the act and made the Army Corps deny the application.

Well, they said there was still a chance to resolve all this by "mitigation." So I went back on the merry-go-round. Again, I hired an environmental consultant (again several thousand dollars worth) trying to mitigate with two or three acres from a property in Pennsylvania. Remember, the property in question is less than one half acre. Now the Army Corps' excuse was that the property to be mitigated with was not in their jurisdiction. That is where it stands at this point.

An after thought: mitigation is a laugh as far as I am concerned. In the same location as my land, in fact even closer to the river, is a multi-million dollar office complex which is being built right now, and I can point out several other large projects that were built in the same area and time span. It is possible that the owners mitigated properties, but the Army Corps won't say. To be able to build a multi-million dollar complex they are also able to buy top-dollar properties to mitigate with. Where does that leave me or anyone in my position? There must be thousands in my predicament. To add insult to injury, not only did the Army Corps turn this property into a white elephant (who would want to buy it?) but I am forced to pay property taxes on it! This is obscene!

Through all this the problems were compounded further. Because I could not build my own building in 1973, I moved my business into an industrial complex in 1975 to a tiny space of 1500 square feet, not much for a machine shop. All went well with that, but in 1984 the landlords decided to make it a condominium. This meant either buy or move. Due to the nature of my business, moving was out of the question, so I bought the space.



About one year later the space next to mine became available, and I decided to buy it also to possibly expand the business a little. That was the wrong move. One hour before scheduled closing we were notified that the DEP had stopped all transactions in the industrial complex due to a pollution investigation. In 1988 we were finally ready to close after the space was investigated by ECRA (a branch of the EPA).

For economic reasons, in 1989 we were forced to sell the property and move from our home town (East Hanover) of 33 years to Pennsylvania. In order to sell, the same space had again to be inspected by ECRA. This action put us on file with ECRA twice within one year. Because of that fact, and by misinterpreting these files without further investigation, the DEP felt we were polluters and put us on a compensation demand list with 31 other businesses. Again it took a gigantic effort and lots of money to prove to them that we were totally innocent and had no business to be on that list. A thorough unannounced inspection took place (the third in one year) and we were declared clean. The sale of that property was most difficult because of the DEP's efforts to destroy me. Now you should think that all is finally well, at least we thought so.

There is now a final blow to totally break me and my family. Early in 1991 a lawsuit was initiated against six parties, including myself, by the former landlord and owner of the industrial complex Dorine Industrial Park. This lawsuit is for 1.8 million dollars for compensation of expenses incurred by the DEP. Again, their attorneys picked me out of the ECRA and DEP lists without ever talking to me or at least conducting any investigation. There is absolutely no evidence that I ever polluted or that I ever used hazardous materials. The interrogatories of the landlords confirm this. Once again, I must defend myself. And to make matters worse, this one is in Federal Court. My legal fees for this alone are over \$14,000 which I had to borrow from the bank to pay. I cannot afford much more!

Now I wonder, is there any justice or any hope at all for me and people like me. After working for a lifetime and doing my best for this great country, I think that I deserve better than being destroyed and forced to live in relative poverty because of government bumbling or outright maliciousness by government agencies that have more power than they deserve and have no heart and compassion for the individual citizen.

Mr. Wettstein grew up on a vegetable farm in Zurich, Switzerland and earned a degree from the Geneva College of Horticulture in 1949. He states he is a naturalist at heart and an environmentalist by nature.

new regulations regarding "substained yield" and "cumulative impacts" will become law. Clearcutting will be eliminated in the few areas of the state where it is still allowed, and the Board of Forestry will be stacked even more heavily in favor of preservationists/environmentalists.

"There are some who believe that our best response lies in embracing "workable" regulations drafted and promoted from within the forestry community. I can report to you emphatically that this strategy did not work."

Who's paying for all of this? The forest landowner, of course, and the forest industry, and the taxpayer and consumer. A private forest landowner in California, like Mrs. Bates, will net 30 to 50 percent less for her timber than she could have received in a non-regulated, free market environment like Virginia. The forest industry's raw material costs are increased by the declining supply of available timber and the increased cost of procurement and harvesting. Finally, the California taxpayer and consumer pays for the proliferation of bureaucrats and higher lumber prices.

"There is no such thing as a 'little bit' of regulation."

I am alarmed by the pattern I saw in the evolution of forestry regulations in California, given the current situation in Virginia. Forestry in the Commonwealth is faced with the same wave of environmentalism and changing voter demographics that the California forestry community faced 15 years ago. There are some in Virginia who believe that our best response lies in embracing "workable" regulations drafted and promoted from within the forestry community. I can report to you emphatically that this strategy did not work in California, and I personally believe it would also fail in Virginia. If there was one common thread I heard from nearly everyone I talked to in California, it was that "there is no such thing as a 'little bit' of regulation." Over time, it is inevitable that those who believe they stand to gain from forestry regulations will push effectively to strengthen and increase them.

"Forestry regulations have been an effective tool for the preservationist groups to use in their quest to halt logging; natural resource agencies have gained positions, power and recognition due to the regulations."

In California, those groups have been the environmentalists/preservationists, the bureaucrats and somewhat surprisingly, many professional foresters. Forestry regulations in California have been an effective tool for the preservationist groups to use in their quest to halt logging; natural resource agencies have gained positions, power and recognition due to the regulations; and many jobs have been created for professional foresters, since they and they alone, can prepare, approve and administer timber harvest plans. Forestry consultants have proliferated, since it is virtually impossible for a non-industrial forest landowner to sell timber without the benefit of their services. Of course, this is a short term gain—when the forest

industry completes its abandonment of California, there will be no need for timber harvest plans or those who prepare, approve or administer them.

Fortunately, there are major differences between Virginia and California. Thanks to the Virginia Department of Forestry and a united forest industry, we have a highly successful and documented voluntary program of resource protection well under way. In fact, from what I saw on the ground in California, we are doing at least as good a job in the water quality area, since California's emphasis is almost entirely on the up-front paperwork, plan and permits, while Virginia's BMP program concentrates on monitoring the operation in the woods. Forestry, while almost exactly the same size as the California industry in terms of total dollars, is a much larger piece of the economic pie in Virginia. And finally, and perhaps most importantly, we in Virginia have the advantage of being able to see the negative effects of "forestry by regulation" in states like California and Maryland, and can learn from their mistakes.

What should our strategy be during this time of regulatory fever? That was a question I asked myself often during my time in California and since I returned. Based on the experience I had as well as the hindsight advice of several Californians, I now recommend the following course of action for Virginia forestry:

- First, get our house in order. Create a strong and defensible record of resource protection. Our voluntary BMP program can provide such a record. Let's be our own harshest critics.

- Next, the entire forestry community must remain united in our determination to practice forestry "the Virginia way," to quote State Forester Jim Garner, without government regulation.

"Don't compromise to avoid confrontation or rationalize that 'we better accept this deal because our opponents might propose something worse if we fight them.'"

- And finally, if forest practice regulations are proposed, no matter how unthreatening they may at first appear, force them to be debated openly in the legislative arena where it can be shown that they are unnecessary and counterproductive. Don't compromise to avoid confrontation or rationalize that "we better accept this deal because our opponents might propose something worse if we fight them." In debate, stress the increasingly positive record of resource protection and stewardship achieved by the Virginia forest industry and forest landowners. Freely quote our beloved Thomas Jefferson on the evils of too much government, and appeal to Virginia's colonial heritage as a defender of private property rights.

While this approach will win no friends among the preservationist movement, I believe it will be accepted by common-sense Virginians and their elected legislators, as long as we back up our claims of good stewardship with demonstrated results. And even if we ultimately lose the battle and have forest practice regulations forced down our throat, we will at least have had the satisfaction of standing up for what we know in our heart to be right rather than compromising our beliefs.

No one I talked to in California foresaw that those few regulations they grudgingly accepted in the mid-seventies would turn into the nightmare they have today. Let's try to avoid making that same mistake.

Updates

Natural Heritage Inventory

PLA participated in an April 15th meeting with the Erie County Planning Commission and several other organizations representing private interest groups and government agencies. The meeting focused on a contract awarded to the Pennsylvania Nature Conservancy in the amount of \$35,000 to conduct an inventory in locating "significant areas" in the county which merit "protection." Properties targeted will likely be wetlands and areas containing key habitat for endangered or threatened plant and animal species. The areas of "significance" would then be noted by the Planning Commission and revised through local zoning ordinances ultimately aimed at preserving the property in its natural state.

Richard Gilmore, association president, voiced his opposition to the study (which was approved prior to the meeting by the Commission) along with several other key attendees. Gilmore also asked the Commission if they intended to inform local governments of their financial liabilities for compensation which may result in the form of regulatory "takings," since many of the designations may very well be found on private properties.

According to the Commission, the State has directed all counties to conduct such an inventory for purposes of updating their comprehensive plans.

Lucas Case... was heard in the Supreme Court on March 2, 1992. A decision is expected in the near future. On December 31, 1991, Defenders of Property Rights in Washington, D.C. filed an Amicus brief with the high court and were joined by PLA's national affiliate ECO, Land Improvement Contractors of America and the Outdoor Advertising Association.

Wetlands... H.R. 1330 continues to hold 174 co-sponsors and is still the favored bill of property rights activists and the regulated community. Congressional aides continue to indicate that the bill may go to the House floor for a vote sometime this summer, even as early as July. The environmental movement, however, persuaded Congressman Don Edwards (D-CA) to introduce H.R. 4255, The Wetlands

Reform Act of 1992 which currently has 62 cosponsors. This bill totally disregards landowner rights, offers no compensation for takings, does not categorize wetlands by value and would seek to add 2 additional regulatory agencies to the permitting process. PLA has written letters to every member of Congress indicating our continued support for H.R. 1330 and pointing out the inequities of H.R. 4255.

A White House meeting also occurred in mid-April to discuss the environmentalists' desire for requiring yet another "scientific" study to determine just what a wetland really is. The study would be done by the National Academy of Sciences, cost several hundred thousand dollars and take as long as another year and a half to complete. Vice President Dan Quayle, chairman of the Competitiveness Council—which was instrumental in developing the proposed 1991 manual—White House Deputy Chief of Staff Henson Moore, and Office of Policy Development Associate Director for Environment, Energy and Natural Resources Teresa Gorman are said to oppose the study.

Another option discussed was reverting back to the 1987 manual, but sources indicate that the regulated community has voiced strong opposition to this, pointing out that it was the problematic '87 manual that led to a revised manual in 1989. Many have also indicated that in essence, there is no difference between the '87 and '89 manuals.

The proposed 1991 manual has generated over 70,000 public comments, and support for and against are said to have been about 50-50. Thanks to all those who responded to our questionnaire and sent their formal comments in! Your voice made a difference. With the small population number that actually owns or utilizes land, equalizing the environmentalists' opposition to the manual changes was a job well done!

Ferngully... has drawn criticism from many religious and property rights groups. The currently popular children's film released by Fox promotes "trees and nature beings" as having "spirits" equivalent in value to human life and serves as environmental propaganda for the preservationists' agenda. Pizza Hut also engaged in a national campaign promoting the film.

Are your children being misinformed about our "fragile environment" and mother earth? Make sure they know ALL the facts and exercise wise judgment in your patron-

trage of establishments not promoting "the whole story."

Timber Rights Protected!

At the urging of PLA and timber industry groups, S.B. 1305 recently passed the state Senate and now awaits passage in the House. This is good news for timber owners since the bill recognizes a landowner's right to harvest timber and will overrule local ordinances imposed to halt timber cutting. If passage occurs in the House, the bill will also recognize the fact that timber cutting and management is necessary to maintaining a healthy forest. Members are urged to contact their state representative in support of this bill.

Good News!

Members of the Pennsylvania State Association of Township Supervisors recently adopted at their state convention a resolution in support of compensation when economic value of private property is substantially diminished through wetland classifications. The resolution passage is a direct result of collective efforts through the Erie County Association of Township Officials.

Grassroots Organizations Are Having An Affect!

The property rights movement is gaining national momentum as recently indicated on April 2, when Peter Jennings of ABC's American Agenda spoke of the wise use environmental movement and the effect it is currently having on the American public. Also airing in April before a national audience was Rush Limbaugh, a nationally syndicated radio personality highly supportive of property rights issues, who appeared on the Phil Donahue Show.

The votes are in ...

and the decision is unanimous! ECO-LOGIC has met with unprecedented approval from all who have read the first three issues of this new monthly publication. The factual information from substantiated sources across the United States represents a diverse cross section of many environmental concerns. Don't miss your opportunity to be adequately informed regarding land use issues from our national advocate ECO. Subscribe today by mail order through the back cover of this publication.

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Waterford, PA

Robert Brace

Vice President
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Rhonda McAtee

Executive Director
Waterford, PA

Lorraine Bucklin

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Eric Thomas

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Mary Wirth

Kane, PA - 814/837-8944



"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 supportive of private property rights.

Associate membership \$50.00
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"Our Environment, Whose Property?"
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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 40c 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:
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Please allow up to 4 weeks for delivery of membership card.

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