



PENNSYLVANIA LANDOWNER

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Photo courtesy of General Electric, Erie, PA

Great Lakes Initiative

By Suzanne Kelley

Don't Think **YOU** Won't Be Affected!

One of our country's most precious natural resources are the Great Lakes. Not only are the Lakes revered for their beauty, but they also serve a vital role in the nation's economy.

The Great Lakes system holds 20 percent of the world's fresh water supply that is used for drinking, food sources, transportation, power generation and recreation. The Great Lakes region is home to 22 million people and 13,000 industries - a significant portion of the nation's economic base.

Recently, the Great Lakes basin - including portions of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylv-

ania and Wisconsin - has become the subject of controversy. The U.S. Environmental Protection Agency (EPA) issued a set of proposed regulations last April called the Great Lakes Water Quality Guidance. Also known as the Great Lakes Initiative, or simply "GLI," the proposed guidance will apply to company and taxpayer-owned wastewater treatment plants in the eight states bordering the Great Lakes.

If the regulations, which the states are required to implement, are adopted as written, thousands of manufacturing and sewage facilities that discharge treated wastewater into rivers, streams or the Great Lakes

would be forced to comply with overstringent and costly new requirements limiting the type and amount of substances that could be contained in their waste water. For example, selenium, a product commonly used in dandruff shampoos, would be one of the approximately 138 substances that would be highly regulated and virtually banned from waste water discharges, even at trace amounts so infinitesimal they cannot be detected with modern technology.

The initiative is receiving skeptical reviews from some in the scientific community including the EPA's Science
(Continued on page 2)

Great Lakes Initiative

(Continued from cover)

Advisory Board which has questioned the scientific premises for many of the GLI's requirements. Furthermore, business and municipal leaders are becoming increasingly concerned that the regulations will unfairly burden residents, labor, business, agricultural interests, and municipalities in the Great Lakes states with new layers of government regulations that offer little environmental benefit, but impose enormous cost and potential job loss, and ignore more reasonable, productive avenues to continuing environmental improvement in the Great Lakes.

"We support water pollution controls for the Great Lakes because we care about the health, safety and quality of life in the region. We love living here," said Karen Neale, Executive Director of the Great Lakes Water Quality Coalition.

"But the controls should be achievable, flexible to address local conditions, include cost-effective options and be directed to sources that are significantly harming our waters. We believe the GLI currently fails to meet these fundamental objectives."

The Coalition, composed of representatives from over 100 companies, municipalities, and agricultural groups is working to ensure that the final version of the GLI is based on sound science and will balance the region's environmental and economic needs.

The Coalition predicts the GLI, in its current form, will have no significant impact on the quality of the Great Lakes because the rules do not address the chief sources of pollution - air deposition, storm water runoff, and contaminated soil and sediment. Addressing only "point source" dischargers, the GLI currently could impact less than 10 percent of potential pollutants in the lakes.

Industry and municipalities are already implementing and paying for a broad spectrum of environmental regulations and programs, many of which are voluntary.

"Existing laws, some of which are still in the process of being implemented, have dramatically improved and will continue to

improve water quality in the Great Lakes," said Neale. "Imposing more regulations does not make sense until we assess the effectiveness of current programs."

While cost alone should never be a determining factor in environmental policy making, economics and jobs must be considered. The GLI, as proposed, will cost an estimated \$6 - 8 billion for industries in the

Great Lakes region, plus another \$2.7 billion or more for municipalities at a time when they are struggling to keep up with many social and other mandated spending demands.

For example, the City of Erie, Pennsylvania, estimates it will

have to spend \$174 million to improve its wastewater treatment plant and an additional \$47 million annually in operating costs to comply. According to Erie's Mayor Joyce Savocchio, sewer bills would increase 1,000 percent.

Originally, only facilities within the Great Lakes Basin - the area that drains into the Great Lakes - were to be impacted, but some states have indicated that they will enforce the regulations statewide. So even facilities hundreds of miles away from one of the Great Lakes will be required to comply with the regulations. The Coalition is concerned that the proposed guidance could be a major negative factor in companies' determination whether to expand or locate in the Great Lakes region. According to the Pennsylvania Local Government Conference, "GLI will have a strong, chilling effect on industrial development and municipal growth throughout the region."

The EPA is accepting written public comments on the draft GLI until September 13, 1993. If you would like more information about the GLI and how to register your comments and concerns with EPA, please call Karen Neale at (216) 474-6858.

Suzanne Kelley of Brookfield, Wisconsin is the Area Manager of the General Electric State Government Relations Operation and currently serves as a Board Member of the Great Lakes Water Quality Coalition.

GOOD NEWS

Ed McDanniels' Stand For His Land Vindicated - Maximum Counsel Fees Awarded

On June 23, 1993, the Pennsylvania Environmental Hearing Board (EHB) awarded PLA member and supporter, Ed McDanniels, \$10,000, the maximum amount authorized under the Costs Acts, as partial reimbursement for legal expenses which he incurred defending a wetlands enforcement order issued by DER in 1988 and which was vacated by the EHB in December, 1992.

After a trial in May, 1990, the Environmental Hearing Board vacated one DER order which had been issued on January 15, 1988, to Mr. McDanniels which had directed him to remove fill material from and restore a purported wetland on his property on Iroquois Avenue in Harborcreek, PA. The estimated cost of the restoration exceeded \$160,000 and Mr. McDanniels' property would have become unusable and for all practical purposes valueless had the site been returned to the condition it was in before Mr. McDanniels developed it. McDanniels attacked the order on several grounds.

The EHB concluded that DER could not order "restoration" of the site after advising him that no permit was necessary for his fill activity and that DER had abused its discretion. The Order was entirely vacated.

As expected, DER opposed any award of legal expenses vigorously. In its opinion, the Board noted: "It is the Department's contention that the Board's adjudication of this matter was not 'rendered on the merits of the case.' Rather, asserts the Department, McDanniels' appeal was sustained not because of merit but merely due to the Department's 'administrative oversight.' The Department contends that this is not the type of case which the Costs Act was designed to address.

The Department's characterization of its action as simple 'administrative oversight' ignores the basis of our adjudication. The Board's decision was not rendered on the basis of a mere technicality, but due to our finding that the Department had committed a clear abuse of discretion by its actions, a decision which was made on the merits of the case.

Moreover, contrary to the Department's position, it is difficult to imagine a case which

more clearly falls within the designed purpose of the Costs Act than the present case, where an individual was forced to bring an appeal at great expense to challenge the consequences of the Department's 'administrative oversight.'

The Department contends that, regardless of fault, a valuable environmental resource has been lost, and McDanniels should not be allowed to benefit from that. While we sympathize with the Department's position, an award under the Costs Act is not to 'benefit' or 'reward' McDanniels for the loss of a wetland. It is for the purpose of reimbursing McDanniels for a portion of the expense incurred in having to defend against a clear abuse of discretion by the Department."

As with most all stories dealing with government agencies, even ones with happy endings, there is always an element of "bad news." Mr. McDanniels' liability for legal expenses in the appeal exceeded the \$10,000 Costs Act cap. Moreover, the Costs Act apparently does not provide reimbursement for legal expenses which claimants have to incur to obtain an award in the first place. In the McDanniels case, DER fought the claim for legal expenses like a stuck pig.

Finally, the Costs Act doesn't compensate for damages caused by DER's abusive action. Mr. McDanniels' land, which he had approved and developed and was hoping to sell was "tied up" by DER's Order for five years. This is a heavy price to pay for the privilege of defending your land.

In an effort to eliminate some of these inequities PLA will seek legislation to increase the Costs Act cap and its scope of recovery.

A last note — think about where the money the Commonwealth pays out under the Costs Act comes from—?

Congratulations Ed McDanniels.

Legal counsel Henry Ingram (Right) presents client and PLA member Ed McDanniels (Left) with a \$10,000 check from DER for reimbursement of counsel fees in the successful defense of his property rights.



BAD NEWS

General Assembly and Preservationists Raid the Treasury

QUESTION:

DO YOU FAVOR THE INCURRING OF INDEBTEDNESS BY THE COMMONWEALTH OF \$50,000,000 TO PROVIDE FOR THE FUNDING OF NATURE PRESERVES AND WILDLIFE HABITATS, AND FOR IMPROVEMENTS TO AND EXPANSION OF STATE PARKS, COMMUNITY PARKS AND RECREATION FACILITIES, HISTORIC SITES, ZOOS AND PUBLIC LIBRARIES?

ANSWER:

"WHAT? ARE YOU CRAZY? OF COURSE I DO! WHAT DO YOU THINK I AM? SOME KIND OF INSENSITIVE BARBARIAN! I'M ALSO IN FAVOR OF TWO CARS IN EVERY GARAGE AND A CHICKEN IN EVERY POT!"

Quietly this summer, the House and the Senate passed and Lt. Governor Singel signed a bill authorizing a \$50 million bond issue to provide initial financing and ongoing funding for a host of seemingly worthy projects ranging from fixing up our State parks to providing grants for zoos and libraries. The bill had originally called for a \$93,000,000 bond issue but Governor Casey said it was too much and made our guys in Harrisburg cut it back to a mere \$50,000,000.

Like most other things government does, it's too good to be true.

It is bad enough that DER has managed our State Park system so poorly that it has to be bailed out by a bond issue. What's worse is the bill institutionalizes a state policy of tax raiding and land grabbing by opening the Realty Transfer Tax Account in the General Fund, not only to state agencies but also to elitist private organizations to implement anti-development preservationist policies.

After the bond proceeds are dished out, beginning in 1994 and thereafter, the State Treasurer will take 15% of the tax money received from realty transfer taxes (diverting it from the General Fund where it would otherwise be used for schools, roads, police protection and aid to the disadvantaged) and distribute some of it as follows:

DER - 30% to fix up parks and to acquire more land for natural areas (to mismanage?) and grants for Rails-to-Trails.

Department of Community Affairs - 25% for general purposes, to fix up and develop zoos, and a big chunk for land trusts to grab land.

Historical & Museum Commission - 13% for fixing up historic sites and museums and acquiring land.

The Fish Commission and Game Commission, which both are already rolling in money are cut in on the bond deal proceeds but apparently not on the ongoing raid on the General Fund.

You (the general public) will be asked to approve — in a referendum this fall — the bond deal and the actual ballot question which was quoted here in the beginning. The ongoing siphoning off of tax money and allocation of that money is left to the bureaucrats.

Don't forget we elected these guys in the general assembly.

You can be sure that your legislator, whether or not he read the bill, is probably in favor of this scheme and will wonder how you could oppose it. The first question you ask is "How much does Pennsylvania collect annually in realty transfer taxes?" In future communications, PLA will give you some more ideas.

Attention Pennsylvania Sportsmen – Are You Supporting Property Rights?

By Hank Beckner

Editors Note: In the July 1993 issue of *Pennsylvania Woods & Waters*, the monthly publication of the Unified Sportsmen of Pennsylvania, Managing Editor Hank Beckner expressed his viewpoints in the following editorial regarding a meeting of the Pennsylvania Landowners' Association (PLA) and the Unified Sportsmen of Pennsylvania (USP). During this informational exchange, State Representatives Howard Fargo, Jim Merry and Scott Hutchinson addressed relevant issues of concern to both sportsmen and landowners.

On June 6, I attended a joint meeting of the Pennsylvania Landowners' Association (PLA) and the Unified Sportsmen of Pennsylvania (USP). I watched the videos and listened with great interest to the problems facing the landowners, not only in Pennsylvania, but across the nation. It doesn't take a Rhodes Scholar to understand that the landowners are caught between a rock and a hard place. From the Wetlands Act, the Clean Streams Act, the Clean Air Act, to the loss of industrial business, the shrinking tax base, and many others I simply can't remember, the landowners are in deep trouble, and taking it on the chin every time some new environmental law is passed.

As a hunter, fisherman or trapper, you may wonder what the landowners' problems have to do with you. Let me run this by you and then ask yourself that same question. The Pennsylvania Game Commission (PGC) has 1,354,803 acres in holding as State Game Lands (SGL). Using PGC figures of 21 deer per square mile as their management goal, it works out to one deer per thirty acres, based on 640 acres per square mile. That gives a total of 45,000 plus deer on State Game Lands. Incidentally, the PGC and the SGLs are part of the shrinking tax base—in some counties a cause for alarm, in some counties somewhat less. Let me state here, I am not castigating the PGC—simply pointing out some facts.

Now take into consideration that the PLA represents approximately 4,000,000 acres. One deer per 30 acres gives the hunter

three times as many deer as the SGL, bringing the total deer to 135,000. It only stands to reason, we need the PLA land to hunt on. The same goes for fishing. Miles upon miles of waterways run through PLA lands. What will we do if they post all of this land—NO HUNTING/NO FISHING? And what if every landowner and farmer joins this movement, as well they should? Where are we now? Please understand, the PLA is posting their land NOT TO STOP HUNTING OR FISHING, but to get the sportsmen to ask for permission! That's all! They want to be able to have control of their property and to inform us to the problems they are facing.

Too many times in the last couple of decades, we've gone to the mountains to hunt deer. If the property is not posted, we hunt on it, without ever wondering who owns it. Those times are over. We will now see just how many times we hunted on private property without permission. What can we, as sportsmen do, if our old hunting grounds are posted this year? If it has a PLA HUNTING WITH PERMISSION SIGN, go get permission. Something else we can do—join the PLA, even if we don't own land. Let the landowners know you understand their problems and are willing to support them.

Believe me, it will be a cheap price to pay in the long run. And after all the years we hunted on their property, it makes the price not even worth mentioning. Don't misunderstand, the PLA is not trying to coerce you into joining their organization; this is just a suggestion from me. I know I don't own one square inch of property, but I will be joining as soon as I finish this column. It's just my way of saying thanks and hoping I continue to have some place to hunt, fish and trap, without fending off a million other people on a million acres of game lands.

The figures I used are only in generalities. I did not have the space to go county by county, type of land, farmland, standing timber and all the technical stuff needed to provide our PGC biologists with a deer per square mile total.

The 21 deer per square mile is the PGC's latest figure. I believe that figure to be on optimum land, optimum cover and food.

I know some of you are going to ask, "What about the state forests we hunt in or the national parks lands?" Take a look at the problems sportsmen are fighting with the D.E.I.S. If you don't know what that is, read last month's WLFA column in PWW.

“What can we, as sportsmen do, if our old hunting grounds are posted this year? If it has a PLA HUNTING WITH PERMISSION SIGN, go get permission... join the PLA... and let the landowners know you understand their problems and are willing to support them.”



PLA President Keith Klingler (center) discusses land use issues with (left to right) Don Clemmer, USP North Central Vice President; Al Oswald, USP Chairman of the Board; John Pucileo, USP Northwest Vice President; and Dr. N. Charles Bolgiano, USP President.

Posting for Support

Campaign lets landowners bend sportsmen's ears on property rights

By Kim Bower-Spence

pull some cars out of the way. The "permission only" signs help him park the fishermen more appropriately.

Telling Their Story

PLA, based in Erie County, lobbies on issues like wetlands, scenic rivers, endangered species - issues that impact an individual landowner's property rights. The group began the Posting for Support campaign in 1989 to enlist sportsmen in their fight, explains Lorraine Bucklin, assistant executive director.

They've since improved communication with sportsmen's groups, she says. "We have had very rewarding results." Their phone and local legislators' phones ring with questions when a sizable tract is posted.

"It's a constant, silent protest. When you see that sign, it's like a 24-hour-a-day lobbying effort."

But, it's a benign effort, she notes. It doesn't shut out sportsmen. "To ask permission to enter someone's property is common courtesy."

Hunters heading up to their favorite spot last fall got a little upset when they saw small, white signs dotting the landscape. Without really reading them, they sped over to Norm Clark's house to see why he had suddenly posted them out.

The Susquehanna County farmer suggested they go read the signs. They saw: "Private Property - Entry by permission only due to government land use over-regulation."

When the relieved hunters returned, they asked Clark what it was all about. And Clark had just what he wanted - the chance to tell them about issues affecting his rights as a property owner.

"It's not to ban access, it's not to stop hunting," Clark emphasizes. "If they expect us to support them in their recreational use of our property, they better support our property rights."

Clark, of Springville, got into fighting what he calls "bureaucratic dictatorship" a couple of years ago. Until then, he ran a stone quarry on the side. But he says he quit because he couldn't comply with Department of Environmental Resources (DER) regulations.

To get the agency's attention, the Bluestone Association, of which Clark is a member, decided to post nearby Meshoppen Creek and close access by fishermen. Clark says DER was suddenly eager to talk.

The Bluestone Association dropped its posting campaign in the summer of 1992, when it learned of Pennsylvania Landowners' Association (PLA) Posting for Support program. Rather than shut sportsmen out, it requires permission.

In the meantime, Clark found another issue that boosted interest in the posting program: the proposed designation of Meshoppen Creek as a scenic river. Hailed by environmentalists as a way to preserve waterways, the designation also restricts what landowners can do on land surrounding a stream.

Clark says he helped get about eight continuous miles of the stocked portion of Meshoppen Creek posted, with the landowners joining PLA. The effort has stalled the attempt to make it a "scenic river."

"It's improved the relationship between me and the sportsmen tremendously," Clark claims. He notes that about eight hunters on his property have joined PLA.

Dean Stang, a dairy farming neighbor of Clark's reaped another benefit. Fishermen used to block the road with vehicles so the milk truck couldn't get through. He had to

PLA doesn't have a count of how many acres are posted. But she notes that PLA membership represents about 4 million acres of private property. Members buy about 5,000 signs through the PLA office each year.

Most membership is concentrated in northwestern Pennsylvania, where the group got its start. But membership signs are creeping across the state, with swelling support in places like Clark's Susquehanna County and in York County, Bucklin says.

Commission Not Enthused

Clark feels the posting campaign improved relations with the Fish Commission in his county. In spring, the Commission refused to stock Meshoppen Creek because it was posted. However, the Commission agreed to stock next year if landowners also post "fishing permitted" signs.

"Obviously, that's the landowner's right," responds Steve Williams, deputy executive director for the Game Commission. "Any program that might actually decrease hunter access to land, or a perceived decreased access to land... that does cause us quite a bit of concern."

Any sign may discourage hunters, he adds. And, "It isn't gonna make our jobs any easier as far as controlling deer populations."

Posting the PLA signs disqualifies farms from the Farm Game Program. Bucklin notes that PLA will add a service this year for its posting members. The office will provide a list of landowners wanting more hunters to sportsmen who call.

She says some hunters have called for such information in the past. This is the first year PLA will promote a service that could help members with an overpopulation of deer.

Jack Byerly, chief of the Game Commission's Division of Federal Aid and Public Access, says the agency has offered an alternative sign of its own since 1983. It reads: "This land open to public hunting but please ask permission before you hunt."

This wording allows you to remain in the Farm Game Program, he says. But you must request the sign from your local game warden.

For information on the Posting for Support program, contact Bucklin at (814) 796-3578.

Reprint courtesy of "Pennsylvania Farmer," September 1993 - Circulation 50,000, reaching agricultural interests in West Virginia, Delaware, Pennsylvania, Maryland and New Jersey.



Clark got about eight miles of Meshoppen Creek posted under the program.

Pennsylvania Landowners' Association, Inc.

Post Office Box 391
Waterford, Pennsylvania 16441

Mr. Peter S. Duncan
Executive Director
Pennsylvania Game Commission
2001 Elmerton Avenue
Harrisburg, PA 17110-9797

Dear Mr. Duncan:

I am President of the Pennsylvania Landowners' Association (PLA). PLA is a non-profit Pennsylvania corporation organized for the purpose of fostering improvement in general conditions affecting Pennsylvania landowners. Among its objectives are to assist its members in understanding governmental rules and regulations which affect land use and to disseminate information regarding property rights. PLA has approximately 1800 members who own nearly 4,000,000 acres of land throughout Pennsylvania, most of which is relatively rural areas. Apparently much of this land is considered desirable by hunters. Indeed, many of our members have opened their lands for hunting, trapping and fishing in the past. Regrettably, there have also been numerous instances of unauthorized entry on these lands for hunting.

On an increasingly frequent basis PLA board members and staff receive calls from members and other interested persons regarding the Game Laws of Pennsylvania and the Game Commission's enforcement practices, policies and procedures. Despite the fact that we have looked at the Pennsylvania statute and regulations and questioned representatives of the Commission, we are unable to chart a clear path to answers to many of the questions which have been presented to PLA. We have also looked at the game laws of adjoining and other important hunting states. Frankly, these laws seem to be more understandable than ours.

The Commission's "Digest of Pennsylvania Hunting and Trapping Regulations" states: "Remember - It is a privilege to hunt and trap in Pennsylvania. Your hunting...license does not entitle you to trespass on private lands. Hunters...may be prosecuted for trespassing...Always ask permission to hunt..." If this is in fact a statement of current Game Commission policy, we believe that the policy is consistent with the rights and interests of private landowners. Could you please reconfirm that this is current commission policy?

This, of course, leads to the next question. If a licensed (or unlicensed) individual enters privately owned lands without the permission or consent of the owner and engages in hunting, has a violation of the Game Commission Law occurred? 34 Pa. C.S.A. 2302 (a)(4) states that it is unlawful "to enter or remain uponprivate lands without permission of the owner or their agent, with the intent to violate this section." This language appears to PLA to make entry for hunting without permission unlawful but we are uncertain about the "intent" requirement. Could you indicate the Commission's position on the general question of whether it is a violation of the Game Law to enter and hunt without permission.... with the intent to violate the act?

As I am sure you know, other states' game laws impose the burden and duty on the hunter to ascertain whose land it is and seek permission from the owner. We get conflicting reports on Pennsylvania law. Some say it is not a violation of the Game Law to enter and hunt without permission of the owner (and that entry and hunting without consent would be handled under civil and/or criminal law relating to trespass). Others say it would be a violation only if a game officer "observed" the conduct. I'm afraid the Commission's regulations may cloud the issues also.

In 58 Pa. Code 131.6, it seems that a WCO should "enforce" the Game Law and that should presumably include taking action if Game Law is violated. But what action? Presumably a WCO can only arrest for violations which occur in his presence. See 136 (b)(1), and will refer complaints requiring law enforcement to other appropriate enforcement agencies. See 131.6 (a)(3).

If entry and hunting without permission is a violation, and I recognize we have to get past this question first, what actions might the Commission or a WCO take? Could the violator's license be revoked or suspended, as it is in other states? Could a WCO, upon complaint of an owner investigate and initiate a prosecution? Would a WCO respond if a landowner reported entry and hunting without permission? Should the landowner post his property so that there is no question about "intent?"

The laws of other states are quite clear in these points and the enforcement practices and policies are well understood. Perhaps some clarification of our laws is necessary if the answers to the questions raised here are not readily available.

Mr. Duncan, I recognize you are busy so I'll understand if someone on your staff responds. Thank you for your consideration and for the prompt response of the Commission.

Sincerely,
Keith Klingler
President

On The Issue Of

TRESPASS

Editor's Note:

In an effort to "clarify" for our members exactly what the Game Commission policy is regarding the trespass issue and the duty of hunters, trappers and others entering onto the lands of another, PLA went right to the source, Mr. Peter Duncan, Executive Director of the PA Game Commission. As you will see from our letter, we asked very specific questions; however, we fail to see anything in the way of specific answers from Mr. Duncan's reply. It appears that legislative action will be necessary if property owners' rights are to be properly protected regarding this issue. Additional information relevant to the PA Game Commission can be found on pages 10 & 11 as researched and written by PLA's legal counsel, Henry Ingram.

COMMONWEALTH OF PENNSYLVANIA

Pennsylvania Game Commission

2001 ELMERTON AVENUE
HARRISBURG, PA 17110-9797

Keith Klingler, President
Pennsylvania Landowners' Association, Inc.
P.O. BOX 391
Waterford, PA 16441

Dear Mr. Klingler:

This is to acknowledge receipt of your letter concerning several issues of interest to the Pennsylvania Landowners' Association, Inc.

The Game Commission has always promoted the concept of "ask permission before you hunt." This message is promoted through our Hunter Education programs, attending sportsmen's club meetings, monthly game news publications and periodic news releases.

It appears that you have taken Section 2302 (a) (4) of the Game and Wildlife Code out of context. This section applies only to someone whose presence is there solely for the purpose of disturbing lawful hunting. Therefore, the answer to your question about entering land without permission to hunt would be "No."

The Game and Wildlife Code, 34 Pa. C.S., is silent on the issue of trespass. Our Wildlife Conservation Officers are not empowered to enforce this portion of the Crimes Code. This action would be handled by the local law enforcement jurisdiction (Township or Pennsylvania State Police) for the area. Our responsibility is to enforce the Game and Wildlife Code and Rules and Regulations promulgated by the Commission that concern the natural resources of the Commonwealth.

Thank you for writing the Pennsylvania Game Commission and allowing us to answer your questions.

Sincerely,
Peter S. Duncan
Executive Director

A C T I

J. S. Wilson Middle School
400 West 54th St.
Erie, PA 16509
May 13, 1993

Dear Mr. Bucklin,

Thank you for taking your time to come in and talk to us about wetlands. I would also like to say that I enjoyed the debate you participated in. I enjoyed hearing the different opinions concerning the wetlands issue. I agreed with your opinions on many occasions, and hopefully you can come back some time.



Sincerely,
Justin Hall

A Follow-up On Educating Our Youth

Recently, PLA welcomed the opportunity to discuss the "other side" of the wetlands issue with seventh grade students at J. S. Wilson Jr. High School in Erie, PA. Many questions involving private land ownership, bureaucratic intervention and the need for compensation to be addressed through legislation for regulatory takings were raised by the students. If all the facts are presented, don't underestimate the competence of these young minds! What follows are letters received in the PLA office from the J. S. Wilson students who are a little more aware of the "whole story" for the benefit of future generations:

J. S. Wilson Middle School
400 W. 54th St.
Erie PA 16509
May 13, 1993

Dear Mr. Bucklin,

It was a pleasure to have you at J. S. Wilson. I am sure you made our class think more about wetlands. I agree with the P.L.'s view point. The landowner should be compensated for the land that cannot be used.

Sincerely,



J. S. Wilson Middle School
400 W. 54th St.
Erie PA 16509
May 14 1993

Dear Mr. Bucklin,

Thank you for coming to visit us. I really enjoyed listening to you talk about the environment. Your view point was very interesting.

Sincerely,
Natalie & Melissa

V I S I T M

J.S. Wilson Middle School
 900 W. 54th Street
 Erie PA 16504
 May 13, 1993

Dear Mrs. Bucklin,

Thank you very much for coming to our school to help inform us about wetlands. I am with you now on your thought that people who own wetlands should be paid fair market value for the land. I don't think it's fair to have your land just taken away from you. Thank you for helping learn about wetlands.

Sincerely,
 Rita Kubacki

J.S. Wilson Middle School
 900 W. 54th Street
 Erie, PA 16509
 May 13, 1993

Dear Mrs. Bucklin,

Thank you for coming in and teaching us more about wetlands and some of the rules and regulations of owning a wetland. You also were a great speaker in the debate. I took your side. Thank you again for coming. We all appreciated it.

Sincerely,
 Nicholas

J.S.
 900 W.
 Erie
 May 13, 1993

Dear Mr. Bucklin,

Thank you for coming to our class and debate. I really appreciate you coming to teach us about the P.L.A. I also want to thank you for voicing your opinion at our debate. You spoke at our level and I started to understand the controversy surrounding wetlands. Once again thanks!



Sincerely,
 Jon Mostowski



The PA Game Commission...

It's Much More Than Hunting Licenses And Game Lands

By Henry Ingram, Esq.

In its Annual Report, the Pennsylvania Game Commission provides a wealth of statistical information about its activities, programs and financial affairs. It also provides valuable insights into the Commission's current view of its mission and philosophy.

In the December 1992 *Landowner*, we learned that the Commission owns over 1,350,000 acres of land in Pennsylvania. The Annual Report states that these holdings were increased by 11,516 acres in 15 counties during the 1992-93 fiscal year. There are now 288 separate game lands in 65 counties.

As many PLA members know, in June of this year the Western Pennsylvania Conservancy announced its acquisition of the President Oil Company property, comprising over 11,000 continuous acres, in Venango County. Ultimately, the Commission's massive land holdings will be swollen by another 11,000 acres when, as contemplated, that tract is transferred. It is clear that the Commission is aggressively pursuing its land acquisition business.

Other business is booming for the Commission as well. Total revenues collected during the 1991-92 fiscal year exceeded \$50,400,000, an increase of 3.2 percent or more than \$1,500,000 over the preceding year. And, as you might expect, when government bureaucracies get more money, they generally spend more. For the same period, the Commission's annual expenditures exceeded \$48,000,000, an increase of over \$5,000,000 from the preceding year.

It is often said that the Game Commission is a good government agency (an oxymoron perhaps!) because it is funded in effect by "user" fees; in this particular case revenues from the sale of hunting licenses. This is partially true. Of its more than \$50,000,000 in total revenues, over \$26,000,000 or about 52% comes from the sale of licenses. The other 48% comes from a variety of sources such as fines and penalties - \$1,684,606, sale of timber, coal and oil and gas - \$8,831,000, interest income -

\$4,332,453 and a category euphemistically referred to as an "augmentation."

"Augmentation" is "bureaucratese" used to describe revenue sources such as aid the Commission receives from the federal government. The Commission receives federal aid "augmentation" of \$7,100,000, 15% of its total budget, from federal taxes. The Annual Report seems to gloat that federal tax money was up 25%, or \$1,500,000 over last year and that Pennsylvania receives more of it than any other states except Texas and Alaska. It's probably a good thing the Commission doesn't have direct taxing authority!

"It seems odd for the Commission to react so negatively to PLA's Posting for Support Program which is nothing more than a reiteration of state Commission policy."

When you stop and think about it, why does the Commission need more federal tax money when its other revenues are on the increase? Consider also the fact that as a Nation we're about to cap Medicare benefits, probably increase taxes on Social Security recipients and make even more cuts in expenditures for national defense. Does it make sense to take more federal money when we are as a nation desperately trying to cut spending? In this time of belt-tightening, do we need this? On the general subject of taxation, as the Commission continues to gobble up privately owned lands, the real estate tax base of our local municipalities will

continue to shrink because state owned lands are exempt from property taxation. It is true that Act 120 of 1984 requires the Commission to pay local governments sixty cents per acre in lieu of real estate taxes on Commission property. This fiscal year these payments in-lieu-of taxes amounted to a total of only \$813,000. This seems like a pittance when you consider that the Commission received \$7,902,000 for "commercial forest management services" - i.e., bureaucratese for "commercial timber sales," up more than 10% from last year, plus the revenues from coal and oil and gas sales. Compared to many other government entities, the Commission is rolling in money. There may be nothing inherently wrong with that but it seems a little unfair when most of our local governments are strapped for revenues.

From the foregoing we can see that the Commission is very successful in raising money and acquiring land. The Annual Report also casts some light on the Commission's view of its mission in Pennsylvania. This is where the policy questions begin to pop up in great numbers. An editorial in the *Pennsylvania Game News*, the Commission's official organ, reveals its views:

"... the Game Commission is more than an organization that just sells hunting and trapping licenses and sets seasons and bag limits. The Game Commission is multifaceted and extremely successful in accomplishing a wide array of responsibilities. The agency provides services to not just sportsmen, but every Pennsylvanian."

Any careful reader of the Commission's Annual Report and its other publications will conclude that the Commission views itself as a full-blown wildlife and natural resources regulatory agency. Although the Commission uses words to characterize its activities such as "wildlife management," "habitat conservation" and "natural resources protec-

tion," which tend to obscure the full range of its activities and power, it is indeed more than hunting licenses and game lands. In practical terms, the Commission is a semi-autonomous, well funded regulatory agency with a defined political and regulatory agenda. It has law enforcement powers, a broad constituency and it is not directly answerable to the ordinary citizens of Pennsylvania. Its diverse and secure funding sources also tend to "immunize" it from the day-to-day problems which confront other governmental agencies that are funded directly by taxes and, at least in theory, answerable to elected officials and, ultimately, voters.¹ This is a nice, comfortable position to be in as can be attested to by anyone who has visited the Commission's luxurious headquarters facility in Harrisburg. In the Annual Report Executive Director Peter Duncan² states:

"Land acquisition, habitat enhancement projects, Project WILD and, we trust, our many other accomplishments serve as testimony to our commitment to active, scientific management in order to assure that future generations can enjoy equal or better opportunities for consumptive and nonconsumptive outdoor recreation."

It would be difficult to quarrel with Mr. Duncan's commitment to future generations but there may be real concerns by landowners about all of the means selected to achieve the end and the scope of the Commission's self-proclaimed mission.

First, the Commission's already voracious appetite to acquire land is whetted by private land trust and conservancy groups which promote and develop mechanisms to fund transfers of land from the private ownership to the government. In addition to the impact such transfers will ultimately have on the real estate tax base, many of the Commission's potential partners in such land deals are unrelenting advocates of the anti-development/preservationist philosophy. To put it mildly, it would be difficult to imagine that the Commission would be able (if it wanted to) to resist the temptation to at least pay lip service to or, at worst, adopt entirely

that philosophy in developing management plans for such lands. As has been discussed in these pages previously, the expansion of government ownership of land raises serious policy questions particularly if multiple uses of such land are to be restricted (as is most often the case, it seems).

"Just like the Fish Commission, the Game Commission is a powerful, influential and well-funded bureaucracy which advocates and implements its policies skillfully and aggressively, seemingly independent of external control."

The Commission's aggressive land acquisition program is accompanied by its so-called "public access programs." The goal of those programs is to expand hunter access to private lands while protecting "cooperators" against unsportsmanlike conduct. According to the Annual Report:

21,846 landowners keep more than 2,493,000 acres open to hunting. . . Our Safety Zone Program now has 8,730 cooperators, covering more than 1,391,000 acres. The Forest Game Cooperative Program has 588,000 acres. These programs do not give unlimited access; hunters should contact cooperating landowners for permission.

"Cooperators" in these programs have probably come to realize that there are

frequently strings attached to the "benefits" that these programs purportedly bestow on landowners. A cynic might even suggest that the programs may all involve thinly veiled efforts to place additional government controls on private lands. As to the notion of protecting landowners from "unsportsmanlike conduct" and the Commission's commitment to the concept that hunters should contact landowners for permission to enter for hunting, there appears to be some gaps in the Commission's authority. The Commission's publications and Executive Director Duncan at least pay lip service to "ask permission before you hunt." However, the Commission, in response to a letter from PLA President Keith Klingler admitted that the Game and Wildlife Code, unlike similar law in other states, is silent on the issue of trespass and that Wildlife Conservation Officers are not empowered to enforce provisions of the Crimes Code applicable to unauthorized entries. Apparently the Commission views itself powerless to deal effectively with unauthorized or trespassory entry on private lands for hunting. It seems odd then for the Commission to react so negatively to PLA's Posting for Support Program which is nothing more than a reiteration of state Commission policy.

Even for those of us who subscribe to the Commission's laudable objective to provide excellent outdoor recreation for future generations, some of the practices and policies described here and in the Annual Report should give us pause for reflection and concern. The continuing transfer of private land to the government is simply alien to the institution of private property. The implementation of the anti-development/preservationist philosophy in virtually any government program is inconsistent with the free enterprise system, a strong economy and our individual freedoms.

Just like the Fish Commission, the Game Commission is a powerful, influential and well-funded bureaucracy which advocates and implements its policies skillfully and aggressively, seemingly independent of external control. As with any entrenched bureaucracy, the potential for abuse exists.

1. I doubt that many of us know who the members of the Game Commission are and what they do or believe. Their names, addresses and telephone numbers are listed at the end of this article. Why not contact them if you have any questions about the Commission?

2. Mr. Duncan is familiar to many of us as a former Secretary of DER.

The Game Commission

(Continued from page 11)

Any landowner concerned about government intervention in the use and enjoyment of private property should be aware of the influence that the Game Commission exerts in natural resources regulation and land use control in Pennsylvania.

Happily for those of us who are concerned about the apparent affinity (or drift) of the Commission toward the anti-development/preservationist camp, and its voracious appetite to acquire more and more land, our "system" seems to be providing some checks and balances.

First and somewhat ironically, the Commission is feeling a sting that many PLA members and private enterprises have felt. The Commission is under attack by a small but vocal extremist, "anti-" group which is violently opposed to one of the Commission's primary activities - the promotion of hunting and trapping. The Commission is now learning, just as farmers, builders and others who utilize natural resources to earn a living have learned, that these extremist "anti-" groups attract media attention irrespective of the merits of their positions. Indeed, the Annual Report states:

Anti-hunting and anti-trapping threats are increasing with every passing day. To combat these threats, the Game Commission and other wildlife agencies are adopting a more proactive position by increasingly investing in efforts designed to reach non-hunting audiences - school

groups, civic organizations and other publics. Although we're beginning to reach new audiences, the steps seem largely inadequate when we consider the amount of anti-hunting and anti-trapping rhetoric foisted upon the public by the general media and our education system.

“Any landowner concerned about government intervention in the use and enjoyment of private property should be aware of the influence that the Game Commission exerts in natural resources regulation and land use control in Pennsylvania.”

Could it be that the Commission will have to re-enter the mainstream and elicit

support of ordinary citizens, landowners and taxpayers to help fend off the animal rights extremists who now attack it? Secondly, and perhaps most importantly, the Commission may be beginning to hear a more balanced voice from its conventional constituency, the thousands of sportsmen who cherish the hunting and fishing opportunities which exist in Pennsylvania. More and more sportsmen recognize and are willing to publicly acknowledge that respect for property rights and landowners' freedom to engage in multiple use of private lands are essential to and entirely harmonious with the rights and privileges of sportsmen to hunt and fish in Pennsylvania. Perhaps the Commission and other government entities will come to realize that bureaucratic extremist coercion and intrusion are on the way out. Let's hope so.

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.

COMMISSIONERS

Miller, George M., <i>President</i>	R.D. 31, Box 986, Brockway 15824	Res. - 814/265-0435
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	408 Fourth St., Huntingdon 16652	Res. - 814/643-3718
Fredericks, Dennis R.	119 Fawn Valley Dr., McMurray 15317	Res. - 412/941-8602
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Together We Can Make It Happen

Together, as a unified membership, WE can make a difference and bring about the legislative and regulatory changes that are needed regarding land use issues. However, as business and private landowners, we all understand that change happens only with the necessary dollars to support those changes. It is with this in mind that this year the new membership structure went into effect to help us reach our goals. PLA would like to take this opportunity to thank each of you for your continued support through memberships and additional contributions.

Every member is equally important to our cause and to the efforts of the PLA! However, members listed below have voluntarily chosen to support PLA by renewing in the newly established categories designed to provide needed dollars for the continuation of private property rights protection. Our sincere thanks to ALL members who renewed their 1993-94 memberships and have so loyally supported PLA since its inception.

Business II

Robert Brace & Sons, Inc.
Brookville Wood Products
Buchanan Ingersoll, P.C.
Troyer Potato Products

Business I

Harry H. Fox, Jr.
Gas Field Specialists

Affiliate

Babylon Hunting Club
Chautauqua County Farm Bureau
Builders Association of Metropolitan Pittsburgh
Seven Springs Municipal Authority
Hanley and Bird, Inc.
Allegheny Valley Realtors
Valley View Development
PA Mining Professionals
PA Assoc. of Realtors
Mobile County Landowners Association
Allegheny Hardwood Utilization Group
Pennsylvania Independent Petroleum Producers
Blue Mountain Snowmobile Club

Associate III

Cubbon Resources, Inc.
R.C. Southwell
Harry Chapman
E.L. Heard & Son
Unified Sportsmen of Pennsylvania

Associate II

Scott Campbell
Meadville Redi-Mix
Cochran-Zandi Lumber
PA Blue Stone Association

Hardwood Lumber Manufacturers Association
Pennsylvania Land Improvement Contractors

Associate I

Woodard Associates
White, Saad & Associates
Laura D. Coal, Inc.
Neil Brown
Canterbury Coal Co.
Champion Lumber Co., Inc.
Forest Land Services
Ohnahdagon Society
Thomas Construction, Inc.
D.W.L. Coal
D.M. Boyd Co.
TDK Coal Sales, Inc.
Darl Kennemuth
Arlene English
Dunn Brothers
Morco, Inc.
Allegheny Forestry, Inc.
Northwestern Rural Electric
Michael Angelo Corry, Inc.
Corry Peat Products Co.
Sawyer Enterprises
Pennock Sales & Service
Dean Glover
Ron Jones Hardwood Sales
Jim Brozell Contractors
Lynn S. Hofius
Waterford Hotel
Russell's House of Furniture
Hurst Potato Sales
Ted Ethridge Lime Spreading
Nelson Trucking
Port Farms
Troyer Construction Equip. Co.
Woodberry Development, Inc.
Edward P. McDanniels
Perry Construction Group

Cooney Bros. Coal Co.
K & J Coal, Inc.
Kane Hardwood
Frank Novosel Logging
Larry M. Wolfe
R.E. Wolfe Lime Service
Sylvan Glen, Inc.
Larry Hatter
PA Potato Cooperative
Mt. Parnell Fisheries
Holiday Pocono Civic Assn.
J & L Shafer Farms
Dr. Eugene Barnsteiner
Sunrise Ventures, Inc.
Rorabaugh Lumber
R. H. Bommer/C.E. Geesaman

Individual V

North Cambria Fuel
I. L. Geer
Lauger Farms
Steven E. Rensma
Wilbur & Dora Devore
Stutzman Lumber
David Oas
Glenn V. Troyer
Cletus Troyer
Evergreen Farms
Timberland Ltd.
Bernard Kertz
James O. Breene, Jr.
Kevin Troyer
Ron Troyer

Individual IV

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Harold Voelpel
H & H Materials, Inc.
Larry Sousa
Doug Gilbert
Mead Oil Company

Joseph W. Arnold
James Wilson, Jr.
Dick Nichols
H. James Hammond
George Kirik
Mick Brothers Lumber
Richard Stutzman
Skelton Dairy Farms
Patrick Dougherty
Fred C. Luke
Thomas G. Meehl
John W. Greene, Sr.
Shreve Farms
William Wurst, Jr.
Paul Albrecht
David Albrecht
Tom Albrecht
Loper Farms
Albert W. O'Connell
Mountain Aviation
Herman Espy/Espy Farms
Charles Bloomquist
Burdette M. Cowburn
James E. Hoopes
John Fox
Roger Springer
John Plouse
Edward Davailus
Randy Mebon/Green Meadow Farms
David Byler/Byler Brothers Farm

If your name, Association, Business, or Corporation has been inadvertently omitted or listed incorrectly, please contact our office so that we may rectify your affiliation.

UPDATES

U.S. Supreme Court Orders South Carolina To Pay In Regulatory Taking Case

On July 7, 1993, the state of South Carolina was ordered by the U.S. Supreme Court to pay David Lucas \$1.575 million as compensation for the regulatory taking of his two beachfront lots, located on an already developed area of the beach. The case began when the state passed a "Beachfront Management Act" after Mr. Lucas had purchased his lots, thereby preventing him from building. The state's assertion was that such building by Mr. Lucas would constitute a nuisance. The Court finally ordered the state to prove that the Lucas home would be a nuisance when the others on the beach were not or pay Mr. Lucas. Result: South Carolina paid.

The state of South Carolina has now decided to recoup its losses in this case by selling off these two lots for - DEVELOPMENT! What a novel idea!! John Echeverria, Chief Counsel of the National Audubon Society, had this to say about the state's decision: "[The decision] opens the state to charges of hypocrisy when it is willing to have an economic burden fall on an individual but not when the funds have to come out of an agency budget." *Washington Post* - 7/17/93. In the words of Ann Corcoran, Editor of *Land Rights Letter*... "Gee John, we couldn't have said it better ourselves!"

National Inholders' Associations' "Clinton Free Zone" Campaign

The National Inholders Association is making available "Clinton Free Zone" campaign materials. Obtainable items include banners, posters, and bumper stickers. The intent of this initiative is to alert the politicians that Americans, as individuals or as business owner/operators in resource dependent communities, are unhappy with the treatment they have received from President Clinton & Vice-President Gore and Mr. Bruce Babbitt, Secretary of the Interior. For additional information or campaign participation individuals may call (206)687-3087.

Bill Ellen Is Home

From November 30, 1992 through May 28, 1993, "home" for Bill Ellen was Petersburg Federal Penitentiary as a result of his conviction for creating ponds in a "so-called" wetland in Maryland. Bill's wetland story has appeared in previous editions of the *Landowner*, and PLA has made appeals to former President Bush for pardons and/or commutations for Bill and the other three wetland victims that were incarcerated on wetland charges including John Pozsgai, and Ocie and Carey Mills. At this time, Bill must still endure four months of home supervision and one year of supervised release. While attempting to reconstruct his environmental consulting firm, Bonnie Ellen has her husband at home and their sons, ages 5 and 2, once again have a father. FROM PLA AND ALL ITS MEMBERS, WELCOME HOME BILL!!

Posting For Support Program

As the hunting season draws near, landowners currently participating in the "Posting for Support" program are asked to make sure signs are neatly maintained and visibly displayed for individuals wishing access to private property.

For members who are not yet a participant in the program, we encourage your support. PLA's commitment to the program is

steadfast and we are offering a 50% reduction in 1993-94 membership fees for member participation. Remember, "Posting for Support" does not seek to eliminate land access, but rather to educate the public, encourage permission before access and seek critical support through exposure and funding.

As an extension of our program, PLA is willing to serve as a "clearinghouse" for landowners who are either permitting members onto their property and are seeking additional hunters to help aid them in wildlife management, as well as for sportsmen looking for access to private property. Members who may need additional information regarding this service may call the PLA office at (814) 796-3578.

Congressional Property Rights Task Force Formed

Freshman Congressman Richard Pombo (R-CA) has urged the U.S. House of Representatives to form a Congressional Property Rights Task Force to assist in the development of policy, draft legislation and public hearings. As field hearings take place across the country, records will be established on how current regulations are affecting the lives and livelihoods of thousands of individuals. The first of several Congressional property rights hearings began on August 27, 1993 in Idaho.

Presently, Chairman Pombo is joined by co-chairmen Representatives Michael Crapo (R-ID), Bob Smith (R-OR) and twenty-three other members of Congress.

The efforts of the Task Force are being coordinated by Ron Phillips of the Republican Research Committee. It is the anticipation of the Task Force that grassroots groups will utilize the resources of this "national repository" and become a more highly organized core in an attempt to better coordinate their activities.

Congressman Tom Ridge to Speak at PLA Informational Meeting

PLA will host an informational meeting regarding private property rights in Dillsburg, Pennsylvania on Thursday, September 30, 1993. Congressman Tom Ridge will be the guest speaker as well as landowners throughout the Commonwealth who will share their regulatory "horror" stories. The meeting will begin promptly at 6:30 p.m. at the Northern Middle School, 149 South Baltimore Street, Dillsburg. Anyone wishing additional agenda information is asked to call Harry Fox, Jr. at 717-432-1490. Members and guests are encouraged to attend to learn about the Congressman's efforts to enact comprehensive wetlands reform through H.R. 1330. Additionally, Congressman Ridge, a gubernatorial candidate, will answer questions regarding property rights and his intent to bring regulatory agencies under control within the Commonwealth. The meeting is open to the public.

New Administrative Wetlands Proposal

Wetlands reform over the past six years has been, and continues to be, an issue of ultimate concern for the Pennsylvania Landowners' Association. Despite the legitimate rights of landowners, with each new Administration comes a new wetlands proposal, not legislation, merely recommendations and suggestions for policy and regulations.

In late August, the Clinton Administration unveiled their wetlands policy which was formulated by an Interagency Task Force consisting of nine federal agencies.

To return fairness and common sense to the nation's wetlands laws, the three most critical criteria (definition, categorization and compensation) addressed in H.R. 1330, the Comprehensive Wetlands Management and Conservation Act, must be addressed but

have not been met in the Task Force policy. The policy does not attempt to redefine what a wetland actually is!! President Clinton is leaving that responsibility to the National Academy of Sciences. However, without defining a wetland, to the amazement of many, the bureaucrats continue to regulate wetlands. Although classification of wetlands is addressed in this policy, the Task Force would not endorse a classification policy (by function and ecological value). The Task Force proposal does, however, state that the Corps and EPA recently issued a "final regulation" ensuring that approximately 53 million acres of *prior converted cropland* would not be subject to wetlands regulations. Compensation for regulatory takings of private property, however, is not addressed.

Although this policy is seriously lacking the needed main points of regulatory relief for landowners, it will continue to elevate the wetlands debate in Congress. Furthermore, it does not discount the needed legislative action of H.R. 1330, but merely makes it more necessary! PLA is hopeful that landowners' concerns may also be addressed in early 1994 when the Clean Water Act is expected to be reauthorized.

Fly-In-For-Freedom

September 18-22, 1993, the Alliance for America is sponsoring a Fly-in-for-Freedom which is an exciting five day grassroots conference in Washington, D.C. This event provides an opportunity for you to network with landowners from across the country. Speakers, panel discussions, a rally, and appointments with elected officials to voice your opinions regarding the environment and property rights issues will all take place. Join several members of PLA and hundreds of others nationwide for a day or two of the scheduled events. For more information contact Sue Carver at 814/796-3578.

Natural Heritage Inventory Update

As PLA members have been apprehensively anticipating, the Erie County Natural Heritage Inventory Study Committee held a public meeting to review the draft of the Erie County Natural Heritage Inventory (NHI) on June 24, 1993.

The purpose of the study was to identify "significant biotic (living) resources in Erie County and provide recommendations to aid in their protection and management." The draft NHI identifies 32 sites throughout Erie County and contains recommendations to keep these areas in a natural, pristine state. The draft explains that sites of "exceptional county significance merit quick, strong and complete protection," but does not explain what "complete protection" means.

The draft does not identify precise locations of private property which could be potentially affected. Therefore, landowners may be totally unaware that their privately owned property is being recommended for "protection" through this report.

Should this study become policy, the negative and confiscatory ramifications could extend far beyond Erie County. Therefore, PLA and several other organizations have formed a Coalition to oppose the adoption by Erie County Council. Among others, Coalition members include the Erie County Association of Boroughs, Greater Erie Board of Realtors, Allegheny Hardwood Utilization Group, Pennsylvania Independent Petroleum Producers, Erie County Farmers' Association, Hardwood Lumber Manufacturers Association and Pennsylvania Landowners' Association.

As a result of a similar "inventory" adopted in Berks County which was listed in the September 1992 issue of *Pennsylvania Landowner*, a recent timber sale involving state game lands known as Vinemont Dale was restricted. The Berks County study that created the "inventory" was reportedly designed to help planners, developers and municipal officials, among others, to identify areas worthy of maintaining and protecting.

As reported in a recent issue of the PA Department of Community Affairs Newsletter, NHI studies have been completed or are currently being undertaken by approximately 23 counties within the Commonwealth. Information obtained from local inventories is provided to the state Department of Environmental Resources (DER) which places the information on the Pennsylvania Natural Diversity Inventory (PNDI).

It is the belief of the Coalition that adoption of such inventories serve as a "blueprint" for state and federal agencies, at their preference, to overrule local government and use the information provided to serve their own agendas. Furthermore, there already exists an abundance of state and federal laws and regulations to protect all the areas identified in these "inventories." Indeed, we need less, not more restrictions on land use.

PLA would encourage your active participation in your county to oppose the NHI studies and/or adoption of such studies, as it may leave the property owner with little or no use of his land.

PLA On The Move

Working to Protect Your Property Rights

PLA directors and staff have again "taken to the road" on educational missions, at their own expense, to attend, represent and/or speak on behalf of our members rights.

- Zonta International Meeting, Erie, PA - guest speaker
- Legislative Update, State Senator Robert Robbins R-50), Representative Karl Boyes (R-3), Waterford, PA - represented
- Natural Heritage Inventory Committee Meeting, Erie, PA - participant
- Wesleyville Borough Council Meeting regarding Natural Heritage Inventory, Wesleyville, PA - speaker
- Great Lakes Water Quality Initiative Public Hearing, Erie, PA - represented
- Radio Panel Discussion, WEMR
- Pennsylvania Forest Stewardship Committee, State College, PA - participant
- Allegheny Society of American Foresters, Champion, PA - guest speaker
- Washington County Conservation District, Waterford, PA - speaker
- Erie County Association of Township Officials, Girard, PA - speaker
- Edinboro University of Pennsylvania, Porreco Center, Erie, PA - guest speaker
- Educational Meeting, Spartansburg, PA - host
- County Fairs & Local Promotional Exhibits
- Media Interviews; Allentown Morning Call, Sunday News Lancaster, Pennsylvania Farmer Magazine, Titusville Herald, Sharon Herald, Corry Journal
- National Trappers Convention, York, PA - promotional exhibitor
- Timber '93, York, PA - promotional exhibitor
- Ag Progress Days, Rock Springs, PA - promotional exhibitor
- Tri-State Gun & Bow Hunting Show, Monroeville, PA - promotional exhibitor
- Hardwood Lumber Manufacturers Association Legislative Meeting - participant
- PA Sewage Advisory Committee Meeting, Harrisburg, PA - represented

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

PLA Membership Categories

Please indicate: New Member Renewal

- INDIVIDUAL I** 25.00
Any individual supportive of private property rights
(owning 0 to 15 acres)
- INDIVIDUAL II** 35.00
(owning 16 to 100 acres)
- INDIVIDUAL III** 50.00
(owning 101 to 250 acres)
- INDIVIDUAL IV** 100.00
(owning 251 to 500 acres)
- INDIVIDUAL V** 200.00
(owning over 500 acres)
- ASSOCIATE I** 100.00
Any business entity supporting the free
enterprise system and the principle of private
ownership (local businesses in communities)
- ASSOCIATE II** 250.00
Trade Associations (state organizations
supportive of private property rights)
- ASSOCIATE III** 300.00
Major suppliers to land use entities (resource
development, construction, agriculture)
- AFFILIATE** 50.00
Local or regional grass roots, non-profit
organizations
- BUSINESS I** 750.00
Corporations or other business entities whose
activities involve ownership, use and/or
development of acreage in excess of 100 acres
but less than 500 acres.
- BUSINESS II** 1,250.00
Same as I but in excess of 500 acres

Any land owning member (excluding Individual I) purchasing PLA signs and participating in the "Posting For Support" program is entitled to a 50% reduction in membership fees for the current membership year.

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.

- I am a current participant in the "Posting for Support" program
- I am a new participant in the "Posting for Support" program

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.

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.

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 membership fees of \$100 or more are inclusive of 12 complimentary issues of ECO-LOGIC.

Please complete this information:

Name _____

Address _____

County _____

Acreage Owned _____

Phone Number _____

Township _____

How many acres of land posted? _____ acres

Membership Amount \$ _____

Less 50% reduction in fee if "Posting for Support" participant - \$ _____

Amount of signs purchased + \$ _____

Additional contribution (If any) \$ _____

Total remittance enclosed \$ _____

Membership dues and contributions may be deductible as a "Business" expense. Please consult your tax advisor regarding your particular situation.

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.

Pennsylvania Landowners' Association, Inc.

P.O. Box 391
Waterford, PA 16441

Address Correction Requested

BULK RATE
U.S. POSTAGE
PAID
Permit No. 7
Waterford, PA

Important Meeting

September 30, 1993

See Page 14 For Details